

TIBET: BARRIERS TO SETTLING AN UNRESOLVED CONFLICT

HEARING BEFORE THE CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA ONE HUNDRED SEVENTEENTH CONGRESS SECOND SESSION

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CONTENTS

STATEMENTS

	Page
Opening Statement of Hon. Jeff Merkley, a U.S. Senator from Oregon; Chair, Congressional-Executive Commission on China	1
Statement of Hon. James P. McGovern, a U.S. Representative from Massa- chusetts; Co-chair, Congressional-Executive Commission on China	2
Statement of Hon. Chris Smith, a U.S. Representative from New Jersey	4
Statement of Michael van Walt van Praag, professor of international law and executive president of Kreddha	5
Statement of Hon-Shiang Lau, retired chair professor, City University of Hong Kong	6
Statement of Tenzin N. Tethong, former Representative of His Holiness the Dalai Lama, New York and Washington, DC	8
Statement of Ellen Bork, contributing editor, American Purpose	9

APPENDIX

PREPARED STATEMENTS

van Walt van Praag, Michael	31
Lau, Hon-Shiang	34
Tethong, Tenzin N.	38
Bork, Ellen	39
Merkley, Hon. Jeff	41
McGovern, Hon. James P.	42

SUBMISSIONS FOR THE RECORD

Statement of the International Campaign for Tibet, submitted by Representa- tive McGovern	43
“The Genuine ‘China Version’ of Tibet’s History: Tibet Was Never Part of China since Antiquity,” by Hon-Shiang Lau	55
CECC Truth in Testimony Disclosure Form	122
Witness Biographies	123

TIBET: BARRIERS TO SETTTLING AN UNRESOLVED CONFLICT

THURSDAY, JUNE 23, 2022

CONGRESSIONAL-EXECUTIVE
COMMISSION ON CHINA,
Washington, DC.

The hearing was held from 9:05 a.m. to 10:56 a.m., room H-313, the Capitol, Washington, DC, and virtually via Cisco Webex, Senator Jeff Merkley, Chairman, Congressional-Executive Commission on China, presiding.

Also present: Representative James P. McGovern, Co-chair, Senator Jon Ossoff, and Representatives Chris Smith and Michelle Steel.

OPENING STATEMENT OF HON. JEFF MERKLEY, A SENATOR FROM OREGON AND CHAIR, CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA

Chair MERKLEY. Good morning. Today's hearing of the Congressional-Executive Commission on China entitled "Tibet: Barriers to Settling an Unresolved Conflict" will come to order.

More than 70 years after the invasion that led to Chinese rule in Tibet, Tibetans continue to struggle in the face of unrelenting opposition. Chinese authorities routinely violate Tibetans' freedom of religion, expression, and assembly and deny Tibetans self-determination.

The Chinese Communist Party has waged a years-long campaign of "sinicization" requiring conformity with officially sanctioned interpretations of religion and culture, not the authentic practice and teaching of Tibetan Buddhism. Contrary to that practice and teaching, the Chinese government even insists on its own authority to select the next reincarnation of the Dalai Lama, whom authorities label a security threat. Those who express reverence for the Dalai Lama are punished.

Also punished are those who express dissatisfaction with Chinese rule in Tibet. Punishments range from warnings to surveillance to interrogation and detention. The Commission's Political Prisoner Database currently includes records of 715 Tibetans detained or imprisoned for political or religious reasons. We note that there are considerably more cases of detention in China than we can capture in the database.

Increasingly, this oppression threatens the religious, cultural, linguistic, and historical identity of the Tibetan people. Earlier this year, we heard testimony about insidious efforts to separate Tibetan children from their parents, with nearly 80 percent of all Ti-

betan children now placed in boarding schools to disrupt the inter-generational transfer of language and culture. We are observing an extension or expansion of that practice now to children going to kindergarten.

This Commission has documented these kinds of human rights violations in Tibet for 20 years and we will continue to do so. In today's hearing, our focus turns to the dialogue needed to address the aspirations of the Tibetan people that their basic rights and self-determination be respected. Sadly, that dialogue has been frozen for 12 years, as Chinese authorities refuse to meet with the Dalai Lama or his representatives.

The longstanding policy of the United States is to promote dialogue without pre-conditions to achieve a negotiated agreement on Tibet. In other words, we recognize that this remains an unsettled conflict that must be addressed. Yet the Chinese government would have the world believe that Tibet is an internal affair and that issues of its status are resolved. This narrative ignores Tibet's history, and today's hearing aims to set the historical record straight.

Our witnesses will share with us their considerable experience analyzing the history of Tibet, the international law dimensions of the conflict, the barriers to resuming dialogue, and U.S. policy on Tibet. I hope this hearing helps cut through Chinese propaganda and helps bring attention to the true historical underpinnings of the Tibetan quest for autonomy.

I'd also like to welcome the members of the Tibetan Parliament-in-exile—it's good to have you here—the International Campaign for Tibet, dignitaries, and other friends of Tibet who are with us this morning while they are in town for the 8th World Parliamentarians' Convention on Tibet. Thank you for joining us.

The causes of Tibetan human rights and self-determination need champions all over the globe, and I look forward to continuing to work with my fellow parliamentarians to advance the cause of human dignity and freedom wherever we can.

Among global elected officials, few have been as great a friend of Tibet as my co-chair, Congressman McGovern, who for many years has led the charge in the U.S. Congress to pass legislation and advocate for the Tibetan people. I now recognize him for his remarks.

STATEMENT OF HON. JAMES P. MCGOVERN, A REPRESENTATIVE FROM NEW JERSEY AND CO-CHAIR, CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA

Co-chair MCGOVERN. Thank you very much, Mr. Chairman. I too, want to welcome our friends who are visiting Washington for the World Parliamentarians' Convention on Tibet. I want to especially welcome the members of the Tibetan Parliament-in-exile. We have two members of the Canadian Parliament here. I want to welcome my friends from the International Campaign for Tibet, and I want to welcome my dear friend Richard Gere, who has been an incredible activist and advocate for human rights in Tibet. We're delighted you are all here.

You know, I appreciate that we're holding this hearing on Tibet, the status of dialogue, and a path forward in the Tibetan quest for rights and dignity. Congress has had a long and abiding interest

in Tibet. It created Tibetan-language broadcasting, scholarships and exchanges, and aid programs for Tibetans in Tibet and in exile. In 2002, Congress passed the landmark Tibetan Policy Act and codified the position of Special Coordinator for Tibetan Issues.

Support for Tibet transcends the partisan divide. Congressman Tom Lantos and Senator Jesse Helms stood side by side with the Dalai Lama. So did President Bush and Speaker Pelosi, who presented him with the Congressional Gold Medal in 2007.

I've had the honor of authoring the two most recent Tibet bills to be enacted into law. The Reciprocal Access to Tibet Act seeks to enable diplomats, journalists, and tourists to travel to see Tibet with their own eyes, because Chinese officials have closed it off. The Tibetan Policy and Support Act expands the U.S. policy approach. As its key feature, the bill makes it U.S. policy that the succession or reincarnation of Tibetan Buddhist leaders, including a future 15th Dalai Lama, is an exclusively religious matter that should be decided solely by the Tibetan Buddhist community, not by China.

Congress and the U.S. Government have advocated for the human rights and religious freedom of the Tibetan people, but the core problem remains that the Tibetan people cannot advocate for themselves. They are forced to live in an authoritarian system under a paranoid central government that sees any expression of distinct identity as a threat to their power.

His Holiness the Dalai Lama says it doesn't have to be this way. He's right. For decades, he sought to negotiate with Chinese authorities. He did so in good faith. The Chinese side did agree to 10 rounds of dialogue. They talked to the Dalai Lama's envoys, but they did not do so in good faith. Chinese officials say they will return to the table only if the Dalai Lama meets certain demands—demands that are not only unreasonable, but false.

The U.S. Government, to its credit, has consistently called on the Chinese to return to dialogue without pre-conditions, but that hasn't worked. For 12 years, the Tibetans stood ready, the Americans asked, but the Chinese turned away. Should we keep doing it this way, or should we explore some other tactic or strategy? That's the question we will explore in this hearing.

Our witnesses today bring expertise and a variety of perspectives—legal, historical, policy, and personal—on the Tibet-China dialogue. We hope to hear what Congress and the U.S. Government can do to help. Should we be countering false Chinese narratives? Should we reorient how we talk about the basis for dialogue? Is dialogue even possible in the current environment, and what would the alternatives be?

So thank you, Mr. Chairman, for the opportunity to consider these important questions, and I look forward to our hearing.

Chair MERKLEY. Congressman Smith, I know you're with us on Zoom. Do you wish to make an opening comment?

**STATEMENT OF HON. CHRIS SMITH,
A REPRESENTATIVE FROM NEW JERSEY**

Representative SMITH. Yes, Mr. Chairman. I'll be brief. I thank you again, and our co-chair, for convening this important hearing.

I also want to welcome our distinguished witnesses, and Richard Gere, who has been an extraordinary advocate for the people of Tibet and especially for the Dalai Lama.

Simply put, the barrier, obviously, is the Chinese Communist Party. It has an ideological commitment to control Tibet far beyond what previous Chinese governments sought to do, which has been evident since the founding of the People's Republic of China. Indeed, one year after the communist government took power in Beijing and completed its control of the mainland, it invaded Tibet and sought to annex it. 1959, of course, marked an even greater attempt to control Tibet and led to the dramatic flight of the Dalai Lama from his home country. All these years he has been in exile, while the world has benefited from his personal holiness and his example. He truly is a treasure, and I, like my other colleagues, have met him and have been so deeply impressed by his goodness and his holiness.

Well, we saw the extreme cruelty of the Cultural Revolution, where Mao's Red Guards despoiled so much of Tibet's religious and cultural patrimony. Then there was the kidnapping and disappearance of the Panchen Lama, which personalizes how evil and totalitarian the CCP is and underscores the extent to which they will go to deny the Tibetan people the right to practice their faith freely and without interference.

Now, today, under Xi Jinping, the suppression of Tibetan Buddhism—indeed, the suppression of all religion, which Xi Jinping seeks to sinicize—has intensified. The Chinese Communist Party is intent upon committing cultural genocide. This must end. The Tibetan people must be free to practice their own faith and choose their own spiritual leaders. We look forward to our distinguished witnesses giving us guidance on the path forward. I yield back.

Chair MERKLEY. Thank you very much, Congressman.

We'd now like to introduce those witnesses. I'll introduce all of them now.

Michael van Walt van Praag is a professor of international law and executive president of Kreddha, an international non-governmental organization created to help prevent and resolve violent interstate conflicts. He is the author of *Tibet Brief 20/20* and he previously served as legal advisor to the Office of His Holiness the Dalai Lama.

Hon-Shiang Lau is a retired professor who taught at the City University of Hong Kong, Oklahoma State University, and Washington State University. Since retiring, he has devoted his time to Chinese history. He is the author of the book *Tibet Was Never Part of China since Antiquity*.

Tenzin N. Tethong is a former Representative of His Holiness the Dalai Lama, New York and Washington, DC. He's served in several roles in the Central Tibetan Administration, including as kalon tripa, the equivalent of prime minister. He has served as the director of the Tibetan language service at Radio Free Asia and is cur-

rently the director of the Tibetan language service at Voice of America. He is testifying in a personal capacity.

Ellen Bork will be joining us via Zoom. She is contributing editor at American Purpose. She previously served as the senior professional staff member for Asia and the Pacific at the Senate Foreign Relations Committee and writes frequently about U.S. policy toward Tibet, Hong Kong, and Taiwan. Her writing has appeared in the Wall Street Journal, The Dispatch, the Washington Post, and other publications.

Thank you all for joining us for this hearing. Without objection, your full statements will be entered into the record. We ask that you keep your oral remarks to about five minutes. We'll start with Michael van Walt van Praag.

**STATEMENT OF MICHAEL VAN WALT VAN PRAAG, PROFESSOR
OF INTERNATIONAL LAW AND EXECUTIVE PRESIDENT OF
KREDDHA**

Mr. VAN WALT VAN PRAAG. Thank you, Mr. Chairman.

My testimony today is based on the findings of 10 years of collaborative research, historical and legal, most of which I carried out during my tenure at the School of Historical Studies of the Institute for Advanced Study at Princeton, and the findings are published in these two books: *Sacred Mandates: Asian International Relations since Chenggis Khan* and *Tibet Brief 20/20*.

Today, I'd like to call your attention to one of those findings and its international legal ramifications. Contrary to what the PRC claims, Tibet was historically not a part of China. Though not always independent in the modern legal sense of the term, and over the centuries subject to various degrees of Mongol, Manchu, and even British authority or influence, Tibet was never a part of China. The PRC did not inherit Tibet from the Republic of China or from earlier empires, as it claims. Tibet was, in fact, an independent state in the modern sense of the term in fact and law from 1912 to 1951, when the PRC took it by force.

So the PRC's military invasion of Tibet constituted an act of aggression and violated the peremptory norm of international law prohibiting the acquisition of territory by the use of force against another state. This informs the legitimacy, or not, of China's presence in and rule of Tibet. China does not have sovereignty over Tibet, and therefore it is occupying Tibet illegally.

That, in turn, informs the international community's legal obligations and its responsibilities regarding the Sino-Tibetan conflict. Governments are prohibited under international law from recognizing China's annexation of Tibet, and they have the positive obligation to help bring about a resolution of the Sino-Tibetan conflict, to end the occupation of Tibet, and to enable the Tibetan people to exercise self-determination.

As you stated, it is U.S. policy to support a negotiated resolution to the conflict between China and Tibet, but U.S. Government actions run counter to that policy. The U.S. Government has stated more than once that it considers Tibet to be a part of the PRC. If it and other governments continue to do so, Beijing no longer will have any incentive to negotiate with the Tibetans. The inter-

national community will have satisfied the PRC's needs without Beijing having to make any concessions to the Tibetans.

The PRC wants two things above anything else regarding Tibet: legitimacy and no foreign interference or criticism. Beijing's strategy to obtain legitimacy in Tibet from the Tibetans is failing. The Dalai Lama disputes the PRC's only claim to entitlement to Tibet, namely that Tibet has been an integral part of China since antiquity, and he is not giving in to pressure to make a statement to that effect.

Beijing has, therefore, started demanding of other governments that they recognize that Tibet is part of China, and is using their statements as a substitute for true legitimacy. Once a government agrees to regard Tibet as part of the PRC, it also accepts that Tibet and Sino-Tibetan relations are China's internal affair, outside its purview. Beijing's needs are then satisfied and Tibetan negotiating power, which depends heavily on the international community's upholding of international law in keeping with Tibet's status as an occupied country, is then severely weakened.

And not only that, endorsing China's sovereignty claim to Tibet conditions the Tibetans to envision a settlement that can bring only marginal change in Tibet. Given what we know about China's treatment of Tibetans and also its treatment of Uyghurs and Beijing's determination to eradicate their very identity, I ask: Is marginal change what the U.S. really wants for the Tibetan people?

The conflict will not be resolved with marginal change. It can only truly be resolved if the Tibetans' basic needs are satisfied. At a very minimum, this requires a robust autonomy with guarantees and international protection endorsed by the Tibetan people in accordance with their right to self-determination. To arrive there, the international community needs to play its role—uphold international law and treat Tibet as an occupied country and the conflict as a matter of international responsibility.

Thank you.

Chair MERKLEY. Thank you very much.

We'll now turn to Professor Lau.

**STATEMENT OF HON-SHIANG LAU, RETIRED CHAIR
PROFESSOR, CITY UNIVERSITY OF HONG KONG**

Mr. LAU. I want to thank this distinguished audience for enabling me to make this presentation. My theme is that China's pre-1949 official historical records clearly show that Tibet was never part of China before the PRC invaded Tibet in 1950. This is an important issue because China is a signatory to the relevant covenants of the League of Nations and the United Nations which means that, since 1919, China has promised not to gain territories through military conquest thereafter.

Moreover, the PRC incessantly condemns other countries for their past colonial conquests and their past bullying of China. Therefore, the PRC needs to cover up its 1950 Tibet conquest as a unification of a territory that has been part of China since antiquity. Sadly, today many governments incorrectly believe this ridiculous lie, and this is part of the reason why many Western democracies fail to provide adequate support for upholding Tibet's sovereignty.

There are two important foundational concepts behind my theme. Foundation A: There is an abundance of authentic and reliable pre-1949 Chinese official historical records. The PRC version of Chinese history is very, very different from the version of Chinese history reflected in these pre-1949 official Chinese records.

Foundation B: We used a comprehensive range of objective criteria to examine whether Tibet was part of China. Thus, to judge whether Tibet was part of China during China's Ming dynasty, we used official classical Chinese records to examine, for example: (1) Whether the Ming Empire had designated Tibet as part of China or as a foreign entity, say, via a promulgated map. (2) Was the Ming Empire able to conduct censuses or collect taxes in Tibet? (3) Was the Ming Empire able to appoint and dismiss judges or governing officials in Tibet? (4) Was China's language, legal system, and monetary system used in Tibet? etc.

Combining Foundations A and B, we can prove the following conclusion: China's pre-1949 official records clearly show that Tibet was never part of China before the PRC's 1950 invasion. We also prove that the PRC's so-called evidence of sovereignty over Tibet is based on not only distortions, but outright fabrications and forgeries of pre-1949 Chinese records. This means that a current permanent member of the UN Security Council militarily conquered a foreign country in 1950 and continues to subjugate it today. This crime obligates the intervention of the international community.

I'm going to show you two examples of these proofs. The first example is a Ming dynasty map. It's on your tablet. This is labeled as Map 1, purported to show the entire Ming Empire. [Map 1 appears on page 36 in the written statement of Mr. Lau.] Regarding my Foundation A stated earlier, this proof is from a Ming dynasty 1461 A.D. government publication. That is, it comes from a very authoritative Chinese source. Regarding my Foundation B, it relates to an objective sovereignty claim, depicted on a national map.

In this map, labels for Chinese territories are framed in white lettering on a black background. In contrast, the map labels non-Chinese territories, such as Japan in the east and then Tibet over here in the west, in non-framed black lettering on a white background. The contrast is literally in black and white. In other words, the Ming government clearly declared that Tibet was a non-China foreign entity.

If you would flip the tablet, you will see Map 2, which is an example of a Qing dynasty proof. This is from a Qing dynasty 1732 government publication, purported to show the entire Qing Empire. [Map 2 appears on page 37 in the written statement of Mr. Lau.] On this map, the Qing government shows the position corresponding to today's Tibet Autonomous Region (the TAR) as a blank space. Hundreds of similar proofs are presented in this book that I have written. Most of them involve textual records, and not just merely pictorial proofs like this. And they are, of course, much more reliable. Thank you very much.

Chair MERKLEY. Professor, thank you very much for your comments and for sharing these maps and this history. We will now turn to Mr. Tethong.

STATEMENT OF TENZIN N. TETHONG, FORMER REPRESENTATIVE OF HIS HOLINESS THE DALAI LAMA, NEW YORK AND WASHINGTON, DC

Mr. TETHONG. Chairman Merkley, Co-chair McGovern, it is my distinct honor to offer testimony this morning in this hearing on Tibet and to speak briefly on Tibetan-Chinese relations in the 20th century, including efforts toward a resolution of the Tibet issue. Tibet has remained an unresolved conflict ever since the establishment of the People's Republic of China. One of Mao Zedong's earliest declarations was his intention to liberate Tibet from the West, and the Tibetan people from a backward and oppressive society.

The Tibetan government protested immediately, citing Tibet's historical independence from the time of Tibetan kings to the rule of the Dalai Lamas, from the Tang to the Manchu Qing dynasties. With equal urgency, Tibet appealed to the United Nations and the global community, especially to India, the United Kingdom, and the United States. Unfortunately, China did not heed Tibet's protests, and the global community did not come to Tibet's defense. The People's Liberation Army marched into Tibet in 1950, easily overwhelming the Tibetan Army and militia. China knew right then that rhetorical justification for such an invasion was not enough and called for negotiations to formalize an agreement.

Tibetan representatives negotiated in Beijing but, disregarding any proper ratification process, were forced to sign what is called the 17-Point Agreement for the Peaceful Liberation of Tibet. Nevertheless, for the next nine years, His Holiness the Dalai Lama and the Tibetan government tried to work within the broad confines of the agreement, which promised no change in the status of the Dalai Lama or the Tibetan government. However, China did not live up to these commitments, nor to the personal assurances the Dalai Lama had received from Mao Zedong.

Tibetan dissatisfaction was widespread during these years, and protests against the Chinese finally culminated in the uprising in Lhasa on March 10th, 1959, which led to the escape of the Dalai Lama, and the escape of thousands, to India and neighboring countries. For the next 20 years, Tibet was completely shut off from the rest of the world. An extreme overhaul of Tibetan life, from its traditional Buddhist roots to Chinese Marxist socialism, was introduced, which in the latter years was consumed by the madness of the Chinese Cultural Revolution.

However, in early 1979, China deemed the Tibetan issue important enough to be revisited. Deng Xiaoping invited the Dalai Lama's older brother to Beijing and declared that short of separation everything would be discussed, meaning that short of granting Tibetan independence, China would be open to all Tibetan concerns and aspirations. This breakthrough meeting led to renewed dialogue between His Holiness the Dalai Lama and the Chinese government. Four delegations of exile leaders were able to visit Tibet extensively, to see and learn what had transpired under two decades of Chinese rule.

By 1984, representatives of the exile government were in deliberations with Chinese officials to address larger issues related to Tibet. However, in 1987, Hu Yaobang, party general secretary and the main proponent of changes in the Tibet policies, died. This was

soon followed by the Tiananmen student protests and the massacre. China stepped backwards, and the Tibetan issue also re-treated.

In 2001, however, communication with China was restored, and envoys of His Holiness the Dalai Lama began meeting in Beijing, where the Tibetan side presented the Dalai Lama's Middle Way policy, seeking genuine autonomy for Tibet within the framework of the PRC. The envoys met many times, even after the unprecedented 2008 Tibet-wide protests that called for greater freedom for the Tibetan people. However, the envoys' last meeting was to be in 2010, when the Chinese ended the dialogue process.

This brief overview of Tibetan-Chinese relations should show that even at the most challenging of times, China has seen the need to address the legitimacy of their rule in Tibet and that there is perhaps now a realization of the shortcomings of their rule. China has also repeatedly initiated direct communication with His Holiness the Dalai Lama, demonstrating the obvious need to find a meaningful resolution to these outstanding issues.

Ever since the exile delegation visited Tibet in the 1980s, to the later meetings of the Dalai Lama's envoys in Beijing, the Chinese leadership has been made much more aware of Tibetan perspectives of their rule in Tibet and of the unvarnished aspirations of the Tibetan people, both of which contradict the official Chinese narrative. Worldwide attention to Tibet has been an important part of creating greater awareness of the Tibetan issue, even in China, allowing for more liberal and reasonable views of the Dalai Lama and of Tibetan hopes and demands to have some standing.

There is little doubt that public support for Tibet, through the person of His Holiness the Dalai Lama and concern for the cultural and human rights of the Tibetan people, has been an important factor in the U.S. Government's attention on the issue—which has been sustained to a large degree by individual Members of Congress. The continued efforts of the United States will help remove barriers to this unresolved conflict and will advance the Tibetan people's desire for greater freedom and democracy. I thank you.

Chair MERKLEY. Thank you, Mr. Tethong.

We're now going to turn to Ellen Bork, who is joining us via Zoom. Welcome.

STATEMENT OF ELLEN BORK, CONTRIBUTING EDITOR, AMERICAN PURPOSE

Ms. BORK. Thank you very much. Thank you to the members of the Commission and staff, and I appreciate appearing alongside the other witnesses very much.

As you all know, the United States has charted a new course toward China on a lot of issues, but Tibet, so far, has not been the subject of a considerable revived agenda. It should be. Unfortunately, Tibet is often viewed as a *fait accompli*, a tragic but closed chapter of history. That is not the case, of course, for the Chinese Communist Party. Tibet, for them, remains a cornerstone of China's aggression, both territorially and ideologically. It is part of China's assault on liberal democratic norms, which in turn will advance the Party's plan to control the succession of the Dalai Lama,

or at least gain preference and acquiescence to its choice of successor.

Addressing that challenge by building support for the authentic Dalai Lama now and in the future, and in particular building support for Tibetan democracy, which is his legacy, should play a much larger role in the U.S. response to China. Unfortunately, the foundations of American Tibet policy make this difficult. A look back at history shows America's Tibet policy was not the product of historical fact or international law but of outdated perceptions of America's strategic interest in subordinating Tibet to China. U.S. involvement in Tibet is, compared to some other powers, relatively recent, but it has played a decisive role in what's happening today.

First, of course, the United States accepted Great Britain's application of the concept of suzerainty over Tibet. This is something short of sovereignty. According to many scholars, it is not even applicable, but Great Britain found it useful while it was involved in the great geopolitical competition of the Great Game in the region. The United States accepted that term, but if you read through a lot of the diplomatic memos you'll see how uncomfortable and ambivalent officials were about it, as well as about the concept of sovereignty. And for several decades, policy fluctuated in terms of the language used and the way the United States thought about what had happened in Tibet from the 1950s, and even before. Officials really accepted that it was *de facto* independent, even though the United States refused to accept requests to recognize Tibet's independence.

Later on, after several decades—it was when the United States forged a rapprochement with Beijing at Taipei's expense that the position on sovereignty really gelled. Again, this was the result of its perception of the strategic need with regard to China, and deciding to choose one Chinese priority, in Tibet, over another. I don't think it's too far-fetched to say that in that way, it transferred deference to China over Tibet from one dictatorship that never exerted authority there—meaning Chiang Kai-shek—to a totalitarian regime that it decided to favor at the time.

As a result of this decision—incidentally, Vice President Mondale visited Beijing in 1979 and sort of said: We will no longer view the Dalai Lama as a political leader. And we've essentially said we're going with your sovereignty over Tibet. Not surprisingly, with that decision taken, Tibet had to become diminished within U.S.-PRC relations. It's not uncommon for diplomats to consider that it's an irritant in the U.S.-China relationship and even that Tibet can only be helped if we lower the temperature with Beijing over Tibet, and I think exactly the opposite.

Above all, this meant that the United States would not focus on legitimacy questions about the PRC's role in Tibet or give adequate attention to the extraordinary achievement of democracy in exile. That democratization process was carried out under the Dalai Lama's leadership and with the support of the Tibetan people in exile, at exactly the same time that democratic transitions were occurring in Asia, the Philippines, South Korea, Taiwan, and later Indonesia, and that has been the basis of American policy toward the region ever since.

By contrast, of course, Tibet is a huge priority for the Party. And it has an international Tibet agenda. It's not just the domestic repression, or inside Tibet's border, that we need to focus on. It has a really corrosive agenda for Tibet, trying to impose litmus tests on the way countries and NGOs deal with Tibet. And it has a Buddhist agenda in its Belt and Road investment initiatives. It seeks to appropriate Buddhist sites and cultivate and co-opt leaders and make Tibet a core interest—a condition of its good relations.

I'd just like to note, before I give a few recommendations, the importance of understanding that many brave Chinese democracy advocates have over time challenged the Party on Tibet. It's very easy to imagine that the Chinese people are sort of inherently nationalist when it comes to Tibet, and I think that's false. It's the product of intense propaganda and fear. It's important to recognize that going back to Wei Jingsheng, and continuing to Liu Xiaobo, there's been a thrust among Chinese democrats increasingly to see democracy as the solution to both Tibet and China's problems. Charter 08, the democracy manifesto of 2008, took this up, and although I think it was too sensitive to use the word "Tibet" in that document, there was a clear reference to the goal of "federation of democratic communities of China."

In that sense, the first recommendation I would make is to reintroduce support for democracy in China and to support Chinese and Tibetan political prisoners and activists, lawyers, and journalists more than we currently are in our relationship with Beijing. I think I'd like to suggest also an independent review of U.S. policy, to go deeply into some of the issues I mentioned about the choices the United States made from the '40s on, to see how United States policy or attitudes about Tibet's status fluctuated, and why the United States made these decisions, and how they are not related. As Michael points out, our position is in violation of international law. How did this happen? And what should we understand about not only Tibet's status but how the United States treated Tibet and subordinated it to China historically?

Finally, I would say we should enlist allies in a common position on the Dalai Lama's succession and make that very public. Give the elected Tibetan exile government more access and support and include it in forums like the Summit for Democracy, and counter Chinese influence in international organizations and on campuses and at state and local levels, not only on Tibet but on other questions, like Taiwan. Thank you.

Chair MERKLEY. Thank you very much, Ms. Bork, and I thank all four of you for the expertise you bring to this conversation. We'll now have a period of questioning. I think we're set for seven minutes. I'll be handing the gavel over to Representative McGovern after my questions because I have another hearing to chair, but I'll tell you, this Member of the Senate will never recognize as legitimate Chinese control over Tibet.

In the hearings that we have held in this Commission about what China is now doing in Tibet—in particular I can't get out of my mind the fact that 80 percent of the children are being sent to boarding school to separate them from their parents, and to essentially re-educate them in a false narrative and destroy the religious

and cultural foundations of the Tibetan people. This is truly an enormous crime against Tibet.

I appreciate the historical perspectives. I was struck by two of you testifying about 1979. Mr. Tethong, you noted that in 1979 Deng Xiaoping invited the Dalai Lama's older brother to come and said that, short of separation, China was open to discussion of how to address Tibetan concerns and aspirations. Then Ms. Bork, you noted that in 1979, Vice President Mondale went to China and essentially recognized—if I understood your testimony correctly—recognized that the United States saw China as having legitimate authority over Tibet. How do we reconcile these two things happening in that particular year? How did one precede the other? And are they tied together? I'd invite both Ms. Bork and Mr. Tethong to help us understand that.

Mr. TETHONG. Mr. Chairman, I think, as I'll try to explain very briefly, that even though China had just come out of the very serious period of the Cultural Revolution, to set China on the right course they had to deal with many important issues. Obviously Tibet was right up there on their agenda. It shows that Tibet remained a key issue in the Chinese government's state of mind. Unfortunately, what Vice President Mondale declared during the Carter administration, shall we say, overlooked the importance of the Tibetan human rights situation. In part, maybe we were unable to present our case to a President who had a strong interest in human rights. But maybe at the time, President Carter was very engaged in establishing normalized relations with China. That's all I can say.

Chair MERKLEY. Thank you. Ms. Bork, would you like to comment on the juxtaposition of those two events in 1979?

Ms. BORK. Thank you very much. I don't know the interaction or the interplay between those two events. I think that would be a really interesting thing to explore. I suspect that getting the Tibetan leadership to acquiesce, to sort of buy in to some solution, is not inconsistent with getting the United States to settle its position on Tibet's sovereignty. But it would be very interesting. I've done a little research. It's not easy to know what went into the preparation for Vice President Mondale's trip. I think that would be a great subject for an independent commission.

Chair MERKLEY. Thank you.

Let me turn to our two professors, Professor Lau and Professor Michael van Walt van Praag. Where is American leverage in bringing China back to the conversation through the dialogue about autonomy with Tibet?

Mr. VAN WALT VAN PRAAG. Thank you. Because China's primary objective in the international field in relation to Tibet is precisely to obtain legitimacy for its rule in Tibet, questioning that legitimacy creates leverage. In other words, in the reverse, accepting or otherwise identifying Tibet as a part of China or as a part of the PRC or accepting Chinese sovereignty over Tibet today takes away any leverage the Tibetans have.

It takes away the need for the Chinese leaders to approach the Tibetans, to negotiate with them and find an agreement that will end up with an arrangement where the Tibetans accept some form of Chinese sovereignty, rule, relationship, that works for both par-

ties. If the international community, and therefore the U.S. as perhaps one of the most important players in relation to China, does not question China's legitimacy in Tibet, China's sovereignty in Tibet, then that takes away that leverage.

Chair MERKLEY. Thank you.

Professor Lau.

Mr. LAU. Thank you, sir. I can only echo what Michael has just said. I think that the United States and the world should actively counter and oppose the PRC's narrative, by producing solid proofs to show that the PRC's version is incorrect, or that they're just basically telling lies. I think in the past I've heard many people denying the PRC's version but without producing believable and authoritative proofs. I think it's about time that the world becomes more explicit in contradicting the PRC's claim by doing more than just simply saying: "You are wrong, I am right." Show the proofs. That's all I know. Thank you.

Chair MERKLEY. Thank you very much. I'll close with this question to Ms. Bork. Thank you, by the way, for your five recommendations. One of the things you talk about is enlisting allies in a united position on the integrity of the Tibetan process for selecting the next Dalai Lama. Can you comment for just a moment on your general sense of the disposition of the European Union, both in terms of that specific issue, but more broadly on the issue of establishing a clear, united position that China's control or authority over Tibet is illegitimate.

Ms. BORK. Thank you, Senator. There's no question that the Chinese government has made great inroads in Europe, but that, I think, on a number of issues has been slow, if not completely reversed. Like in the United States, there are many countries where there's great reverence for Tibet and the Dalai Lama. It's not viewed there as quite as huge a matter. It doesn't get quite as much attention. I think that the attention to the reincarnation issue that the U.S. Congress has shown is also spreading in Europe. I'm optimistic that some of the leading countries there in support for the Dalai Lama would step forward, but they've always been treated to that kind of divide and conquer. They've suffered so much—as you remember, the way Norway suffered after the Nobel Peace Prize to Liu Xiaobo. So it's essential that there's some kind of shared burden and protection for people—for countries as they take this position. I'm very heartened by the appointment of the new special coordinator, Uzra Zeya, and believe that there is prospect for greater attention to Tibet within U.S.-Europe relations.

Chair MERKLEY. Thank you very much. We're now going to turn to Co-chair McGovern.

Co-chair MCGOVERN. Thank you very much, Mr. Chairman. Let me thank all the panelists for being here. And let me make clear, the reason why we're doing this hearing, the reason why we've done other hearings on Tibet, the reason why we have passed legislation on Tibet, is because China is not living up to the expectations of the international community with regard to Tibet. You know, I think there might be a perception in China that the world will soon forget and move on to something else, but I hope we're making it clear that that's not going to be the case. In fact, activity

in the United States Congress on Tibet has intensified in recent years. More attention is being devoted to Tibet, and some of the topics that we're talking about here today many members of Congress are unaware of. They will be enlightened by this hearing, and it will bring additional perspective as we deal with other legislation impacting China in the future.

I just say to the government of China, who always gets annoyed when we do these hearings—you know what? You have a Tibet problem. Deal with it. You can go back to the negotiating table. I mean, that would be a good first step. Let's try to resolve these differences. But as long as you don't, as long as you pretend that there's not a problem here, please be assured that activity focused on Tibet in the United States and in other countries around the world will intensify.

Professor Lau, would you say that the Chinese government's insistence that the Dalai Lama say that Tibet has been part of China since antiquity is tantamount to a demand that the Dalai Lama say something that is false?

Mr. LAU. Absolutely. I agree with that 100 percent. The PRC knows that that claim is a lie, and they are forcing the Dalai Lama to lie with the PRC.

Co-chair MCGOVERN. OK. Mr. van Walt, you testified that governments using the Chinese narrative that Tibet has always been part of China is an obstacle to resolving the conflict through dialogue. Now, there has been no dialogue in 12 years. Assuming that governments made such statements as a concession to get the Chinese to the table back then, is there any reason for them to continue saying the same thing?

Mr. VAN WALT VAN PRAAG. I think it was a mistake for governments to play China's game, and I don't know what the objective was of making those statements acknowledging Tibet being a part of the PRC. But I think it was a mistake to do so, if the hope was that this would encourage China to negotiate. I think it's quite the contrary. And I think we must realize that the Middle Way approach of His Holiness the Dalai Lama can only work if we're conscious that the kind of genuine autonomy that we're talking about is only a possible middle path if it is the middle between the legitimate right of the Tibetans to restore their independence on the one hand and China's intention to fully integrate Tibet into China on the other. If we take away this legitimate right of the Tibetans, then there's really very little to negotiate that is left.

Co-chair MCGOVERN. I think it's fair to say that those governments that bought into the Chinese narrative, maybe thinking that it might make the Chinese government more reasonable with regard to Tibet, it didn't work.

Mr. VAN WALT VAN PRAAG. It didn't work, and I think it is counterproductive today.

Co-chair MCGOVERN. Mr. Tethong, the Chinese insist that they have the right to select the next Dalai Lama, and demand that the Dalai Lama say that Tibet has been part of China since ancient times. Do you think that these reveal a latent insecurity within Chinese leadership about the legitimacy of their claim to own Tibet?

Mr. TETHONG. Definitely, Chairman. We've all touched on this issue of legitimacy. I believe that even within the Chinese leadership and the Chinese mindset, legitimacy of the rule of the CCP is what is at stake. Tibet or the Tibetans were the ones who contested that legitimacy. That's why there is total control over Tibet, yet China often finds itself needing to address it somehow, because the question of legitimacy will never be fully satisfactory for the Chinese until the Tibetans have a proper role in that.

Co-chair MCGOVERN. Thank you.

Ms. Bork, given what the other three witnesses have said, what actions should the United States Government take to get the parties back to the table? Do you agree that the State Department should stop using the "Tibet is part of the PRC" phrase, as they did in the Tibet negotiations report this month? And given that the PRC was founded in 1949, would it be fair to say that the U.S. statements do not endorse the Chinese position that Tibet has been part of China since antiquity?

Ms. BORK. I'm not sure what the intention of the department was in that particular matter, but I do think there's a lot to be done before approaching Beijing. I think dialogue can take many forms, and people may have different attitudes about it. I'm not a particular supporter of the idea of dialogue, at least not without much more coordination among the allies in support of the Tibetans. I think that without that, I don't think it's going to go anywhere. I'm deeply skeptical about Chinese intentions with regard to any kind of dialogue.

By all means, again, review the defects in the American position, why they've used language in the past and the fact that they should stop using it. Again, it's because it's not accurate historically and not helpful right now. Yes, they should stop using that and begin to talk about Tibet in a different way.

Co-chair MCGOVERN. I appreciate that, and whatever the deficiencies in U.S. policy have been over the years, I think it is fair to say that we are reorienting our policy in a way that is more in tune with what the Tibetan community wants. I just want to say that we're working on a bill that we'll be introducing soon to help the U.S. Government counter Chinese disinformation on Tibet and ensure that U.S. policy supports the basis for the Dalai Lama's quest for genuine autonomy. And also making it clear that, you know, facts matter and that you can't rewrite history because you want to. I mean, history is history. Facts are facts.

And so, again, I think that there is a renewed interest in the United States and in other countries around the world, as we witnessed yesterday talking to parliamentarians from all over the world who are in Washington to find ways to support the Tibetan people, and I think things are changing globally. I wish they'd changed a long time ago, but they're now changing.

My time is up right now. I'm going to recognize Senator Ossoff.

Senator OSSOFF. Thank you, Mr. Chairman and thank you to our panelists. I'd like to ask each of our panelists to comment on the intersection of press freedom and the issue at hand today. Last week in the Commission we heard from Under Secretary Zeya, who committed to work with my office to expand press freedom internationally and strengthen U.S. leadership for press freedom. My

question, please, beginning with you, Mr. Tethong, is: How does the CCP repress freedom of reporting and publication within Tibet, and more broadly within China? How does the CCP seek to influence reporting and publication on related issues internationally? And when you've concluded, we can move to Ms. Bork. I'd like to hear from each panelist on this. Thank you.

Mr. TETHONG. Thank you, Senator. There is no press freedom in Tibet, or in any of the Tibetan areas within the PRC. No foreign journalists are allowed to visit Tibet freely. Very rarely and occasionally, groups of Western journalists who are stationed in Beijing might be allowed on a short trip that is fully managed by Chinese officials. So with regard to press freedom, I think Tibet is regarded as one of the worst, even worse than North Korea, according to Freedom House, I believe. We are only able to get news items, news reports through personal contacts of Tibetans who are in exile and occasionally through social media.

Senator OSSOFF. Thank you. Ms. Bork.

Ms. BORK. Oh, I'd certainly concur with what Mr. Tethong has said. I think it's important to think about the way China is challenging norms of freedoms, and we have to be really very attuned to the way they treat rights and the way they'd like to alter the way the world respects universal norms. I don't have anything to add about inside Tibet, but I would be very alert to the way Chinese Communist Party officials talk about democratic norms, including press freedom, and try to shape them, particularly in countries where they have a great deal of influence or where they're trying to acquire influence.

Senator OSSOFF. Thank you. Mr. van Walt van Praag.

Mr. VAN WALT VAN PRAAG. Yes. I don't have anything to add about press freedom or the lack of it in Tibet. What I would say is that at the same time, China is, in a sense, abusing the freedom of the press internationally, outside of China, but using the press very actively to project its narrative on Tibet, to project also its vocabulary on Tibet. For example, many members of the press write articles in which they refer to Tibetans as a minority—one of China's minorities, which is an implicit acceptance of Tibet being part of China and the Tibetans being one of China's peoples, minorities. Whereas, in effect, the Tibetans are not a minority. They are the population of Tibet. They are the people of Tibet. And they are a people under international law with the full right to self-determination. That's just one example, but there are so many examples of articles in the press and reports in the press that use Chinese terminology in regard to Tibet.

Senator OSSOFF. Thank you. Mr. Lau.

Mr. LAU. Thank you. I'm not an expert in this area and have nothing of value to add, but I would like to use this opportunity to emphasize something else that was brought up just now. China or the Qing Empire never had any power in selecting the Dalai Lama. It is clearly reflected in the official Chinese records. The Qing Empire only made a request to the Tibetans to use a golden urn to do one minor step of the selection by drawing lots. That was all, and even that request was not consistently followed or acceded to by the Tibetan authorities during the Qing dynasty. Thank you.

Senator OSSOFF. Thank you all for your responses. Thanks for the additional context and information. I worked prior to my election producing investigative reports of crimes, official corruption, crimes against humanity. Freedom of the press and freedom of publication are under attack worldwide. The United States Government must strengthen and redouble its commitment to stand en garde for press freedom around the world. And this hearing will help inform our efforts to that end.

I yield back, Mr. Chairman.

Co-chair MCGOVERN. Thank you very much, Senator.
Congresswoman Steel.

Representative STEEL. Thank you, Mr. Chairman.

Every person has the right to religious and cultural beliefs, and all governments, including the CCP, have no right to restrict this fundamental ability. It is inexcusable that the people of Tibet are not free and are currently threatened with punishment ranging from warnings and surveillance to interrogation and detention. We cannot sit still while Tibetans are being detained and imprisoned for political and religious reasons. I was honored to meet His Holiness the Dalai Lama in my district. We have to make the world know that the leader of Tibet cannot go back to his own country and his own people because of CCP oppression.

With that, to all the witnesses, with the current abuses by the CCP oppressing autonomous regions, what should the United States and other countries do to stand with the Tibet people. I'm just asking all the witnesses. So if anybody wants to answer, I'd love to hear that.

And can local global corporations play a role in raising awareness about the Tibetan oppression? That's what I asked last year, before the Winter Olympics. I wanted these corporations that were going to spend billions and billions of dollars in advertising to use their platform. But I didn't get a response from any of those 17, the Olympic sponsor corporations.

So could you just let me know? You can start, I guess, Ms. Bork.

Ms. BORK. I'm so sorry. If someone else could start, please. I'm having trouble hearing.

Co-chair MCGOVERN. Congresswoman, if you could just repeat the crux of your question again, because it kind of went in and out.

Representative STEEL. Oh. With the current abuses by the CCP oppressing the autonomous regions, what should the United States and other countries do to work together to stand with Tibet's people? And can global corporations play a role in raising awareness about the Tibet oppression?

Ms. BORK. Thank you very much for the question. I think international solidarity and coordination on all these points is vital, given the Party's adept use of tools like financial diplomacy and propaganda, and various other kinds of intimidation, not to mention that we haven't even talked about how China continues to redefine Tibet, to the point that it is referring to northeast India as southern Tibet. So this is very much an ongoing issue that requires staunch and coordinated reply.

There was an interesting proposal, unrelated to Tibet, from a fellow in Scandinavia about an economic Article 5 for NATO. I think it's certainly worth discussing the kind of retaliation that countries

could experience if they take a more thoughtful and principled stance on Tibet. We really can't prepare enough for that eventuality, and I'd certainly recommend that Congress think about that as well.

As for global companies, they haven't really—I guess I'm too negative. I only know the bad examples. Maybe someone else knows some good examples with companies on Tibet. But I do think that attitude is changing as a result of the Olympics and some other—you know, the NBA, and things like that. I think unfortunately there's still a market for companies to kowtow to the Chinese line on Tibet and other issues. But I do think it's changing, and people are more sensitive to that, so I'm a little more optimistic than I might have once been.

Representative STEEL. Thank you. Any other witnesses?

Mr. VAN WALT VAN PRAAG. I would like to make two observations that follow on what Ellen Bork has just mentioned. Regarding cooperation among countries, I think it's also very important to emphasize that not only is this of crucial importance for Tibet and the Tibetan people themselves, but this has broader international ramifications, because the appeasement of China on Tibet for the past 70 years is not unrelated to China's expansion today—or its efforts to expand—in the South China Sea, where it uses a similar historical narrative as it does to claim sovereignty over Tibet, and its aggressive stance in relation to northern India, both in the eastern and western part of northern India, and as Ellen Bork mentioned, even calling one part of northeast India southern Tibet, where it makes territorial claims, again, directly related to its historical narrative of Tibet.

One cannot accept the historical narrative on Tibet and then contest China's claim to northern India. Or perhaps it even makes it difficult to contest their claim to the South China Sea islands. And the second question, regarding corporations, the only thing I would mention is that, again, under international law, because China is denying the Tibetan people their right to self-determination, which they have, and because it is occupying Tibet, corporations and governments are forbidden from benefiting from the exploitation of resources in Tibet, because those resources under international law belong to the Tibetan people and therefore cannot be exploited, and one cannot benefit from it without the express permission of the Tibetan people, given freely.

Thank you.

Representative STEEL. Thank you very much for those answers. The CCP continues to have oversight of Tibetan religious life by mandating political education for monks and nuns and creating apparatus to surveil and manage monastic institutions. Can you expand more on how CCP authorities continue to reorient Tibetan society? I think maybe Professor Lau.

Mr. LAU. Actually, I would like to comment on the earlier topic that you brought up. I think it's important for the world to realize that the Tibet issue is not necessarily just a China issue. I read in mainstream newspaper articles in the past several days, and you have pointed out, that Putin is going to re-create the old Russian empire by bringing up all these historical "territorial rights," even over the Baltic nations. If you look at the Chinese records, these

records clearly show that Tibet was not part of China, but they do indicate that Burma, Korea, Thailand, Laos, and a whole bunch of other areas were clearly part of China. They also indicate that even countries like Holland and Portugal were tributary countries to China.

We have seen what has developed in Putin's and in Ukraine's case. If we do not explicitly reject this kind of attitude, there is a strong possibility that 20 years from now, when China becomes even stronger, that they could bring up these old claims of sovereignty over Korea and over Vietnam and then, as I've said, even over Portugal. I think that's the point that I would like to make. Thank you.

Mr. TETHONG. I would just like to add a comment, that yes, for the last 20 or 30 years, global attention to what is happening in Tibet, and especially concerns expressed by the United States Congress, has had a tremendous impact on the situation in Tibet and on the rights and safety of the Tibetan people; to a great degree they have been provided simply because the outside world is watching, especially the United States.

For a long-term goal to help resolve the Tibet issue, I think, as my co-panelists have said, we should not look at Tibet and the Tibetan people as a unique element on their own, but that this is an issue that concerns the whole world. When we deal with any development in Tibet, of course, we are going to look at it from the perspective of the human rights of an individual Tibetan, and therefore the Universal Declaration of Human Rights should be a central theme to work with. And along with that, as far as the Tibetan people are concerned, their right to self-determination should be an underlying feature of how we deal with Tibet in the future.

Representative STEEL. I totally agree with Professor Lau because China is one of the biggest threats in the whole world. If we don't stop the CCP's invasion and oppression of autonomous regions right now, then in 20 years, what kind of map are we going to have? So this is a very important hearing. I really appreciate that we can hear from our witnesses. Thank you for coming out.

I yield back.

Co-chair MCGOVERN. Thank you very much. I appreciate it.

I have a series of questions. I'm trying to get through them all, so bear with me here. Mr. van Walt van Praag, your testimony addresses the concept of self-determination as core to your thesis. Can you discuss the gap, if any, between the basis of the right to self-determination in international law, and the extent to which governments honor and protect that right? And how would you respond to those who say Tibetans are not entitled to self-determination?

Mr. VAN WALT VAN PRAAG. Thank you very much for your question. Self-determination, under international law, is a basic right. It is both a basic right and it is codified in the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, in its very first article, because there is a recognition, and there was a recognition when those two conventions were written, that without honoring the right to self-determination, many of the other human rights are difficult to conceive of and to respect, and therefore, those rights are

dependent, to some degree, on respecting the right to self-determination.

But self-determination is also a fundamental principle of international relations. As many UN declarations make clear, respect for the right to self-determination is a fundamental requirement for friendly relations among states and so both these things are truly fundamental. At the same time, self-determination, as it has developed, was for a long time considered to be primarily a right of countries to de-colonize from Western colonialism. But increasingly, it is being recognized that when we're speaking about colonialism, we're speaking about the nature of rule, the nature of the relationship between dominant power and a subjugated country, a subjugated people under alien domination.

Regardless of whether it is a Western power, regardless of whether there is an ocean between the cosmopolitan country and the colony, colonialism is about the nature of relations between the dominant and the dominated and about the latter's exploitation. Under that concept, Tibet very clearly is under colonial rule today, and I think it should be recognized that way. The PRC just introduced this, at an earlier session of the Human Rights Council in Geneva, a resolution on—and I don't know the exact words but—something like the continuing consequences of colonialism. Even within that context, we should be using colonialism to address the situation in Tibet.

Aside from colonialism, Tibetans also, because they are a people—under any definition in international law—a people with a right to self-determination, fit squarely in that category. In terms of the difference between, in other words, their right to full self-determination and the honoring of that right internationally, there is, I think, a big gap. In the 1950s and '60s, a number of countries, including the United States, recognized and supported the Tibetan people's right to self-determination. And as we know, there is a United Nations General Assembly resolution on that subject from the 1960s that recognizes the Tibetans' right to self-determination and calls for its respect and for its implementation.

So Tibetans have had that recognition internationally. The discrepancy is that today many countries, probably most countries, do not refer to the Tibetan people's right to self-determination anymore, simply out of fear of displeasing China. And I think it is very important to restore the situation to where it was universally recognized that Tibetans had the right to self-determination.

Co-chair MCGOVERN. Thank you.

Ms. Bork, you have written about how democracy should be a component of our policy on Tibet, keeping in mind that the Central Tibetan Administration (CTA) has established a democratic form of government-in-exile. The Biden administration has created a process to prioritize this issue called the Summit for Democracy, and as I understand it, the CTA was not involved in the first summit meeting last December. Would you recommend that the administration include the CTA in the upcoming summit this December? And if so, how?

Ms. BORK. I would very strongly recommend that. It seems to me a great oversight to continue to neglect this achievement, especially if the administration is trying to develop support for the reincarna-

tion as an element of, effectively, liberal democracy and liberal democratic norms being effective, human rights, and so forth. So yes, I would strongly do that. I don't know the governing basis for inclusion. Whatever it is, it can include representatives of the democratically elected body, even if they are not a sovereign country. So I hope so.

Co-chair MCGOVERN. Thank you.

Mr. Tethong, you have firsthand experience dealing with Chinese interlocutors, including during your participation in a fact-finding delegation to Tibet. What perspective can you provide on the Chinese attitude toward dialogue with the Dalai Lama?

Mr. TETHONG. Mr. Chairman, I think through the interactions we've had with the delegations that visited Tibet in the '80s—I was a part of one of the groups—and the later interactions that the envoys have had, which have been very extensive, although the Chinese government brought the process to an end, we know that during that process many key officials in the Chinese government and the United Front officials became fully aware of, shall I mention, the misrule in Tibet, and also fully aware of what Tibetan intentions or Tibetan hopes and aspirations were. And so there is, with-in the Chinese government and leadership, I think, a full understanding of where the Tibetans stand and where it could make accommodations. It's not as though the Chinese leadership is ignorant about the real situation.

So while on one level it seems like the negotiations have stopped, we know that there are elements within the Chinese leadership and the Chinese government who can, given the right circumstances, take up Tibet once again. So this process and the possibility of renewed dialogue, and an initiative from the Chinese side, I think, remains very possible.

Co-chair MCGOVERN. Professor Lau, are the maps and documents that you cite available in archives inside of China? And do researchers and historians in China have access to the information? And to what extent is this information digitized and online, or otherwise available at libraries outside of China?

Mr. LAU. Thank you for your question. Please allow me to answer the preceding question.

Co-chair MCGOVERN. Absolutely.

Mr. LAU. Yes. I want to add to what Michael had said about self-determination. The Chinese Communist Party in the earlier version of the Party constitution, in the 1930s, repeatedly affirmed the self-determination rights of the so-called minorities, with an explicit sentence stating, "up to the level of independence and seceding from China." In other words, they practically advocated the right of the Tibetans and, well, actually the Xinjiang Uyghurs too, to form independent countries. They only deleted those clauses after they gained power after 1949.

Now, to answer your question. Actually, in my book, which is written in Chinese, and my target audience is people in China, I wanted to sort of convince the people in China that they haven't done the right thing with respect to Tibet. So I have taken a totally Chinese chauvinistic approach. I dismiss all Tibetan records. I dismiss all Western records. I only use Chinese records that are authored by Chinese, written in the Chinese language, from the 13th

century up until 1949, before the Chinese Communist Party took power. And I also restrict myself to only those records that are reprinted by the People's Republic of China, indicating their acceptance of the authoritativeness of these publications.

And yes, most of them are digitized by companies or libraries under PRC rule. And I think actually 80 percent of them are not only available and digitized, they're available free of charge on public websites. Also, I explicitly tell my readers: Don't believe a single word in my book. Go to the internet and check it out yourself. The two maps that I'm showing over here, they are available for free on websites, many of them operated within the PRC, many of them operated by official units of the PRC.

Co-chair MCGOVERN. Well, maybe President Xi ought to visit the library or go online. (Laughter.)

Mr. LAU. Well. (Laughs.)

Co-chair MCGOVERN. Congresswoman Steel, I don't know if you have an additional question. I see you're still on the line. Do you have additional questions?

Representative STEEL. No, I don't.

Co-chair MCGOVERN. OK. Thank you.

Representative STEEL. Mr. Chairman, I just love to listen.

Co-chair MCGOVERN. Very good. Thank you. Mr. van Walt, what other governments have made statements about Tibet being part of China? I mean, how many also say "since ancient times"? Can you provide examples of how the Chinese narrative has been embraced by the international community?

Mr. VAN WALT VAN PRAAG. I can't give you exact numbers of how many governments have and how many governments have not. I know that some governments—and I know that because I've spoken to their officials—have been very careful not to make any explicit statements, despite pressure. Others have been pressured by China, especially after, for example, somebody higher up in the government, the minister of foreign affairs or the prime minister, has received His Holiness the Dalai Lama. After that, they're subjected to a tremendous amount of pressure from Beijing, and a number of them then make a statement to the effect that they recognize or that they identify Tibet as a part of the PRC.

A good example of that is France. After President Sarkozy, in his capacity as president of the European Union, met with His Holiness the Dalai Lama in Poland, France was put under a lot of pressure and made a statement that since the time of Charles de Gaulle, France recognized that Tibet was a part of China, which is actually not true, or not accurate, I should say. But that is an example. The statement continues by saying that this will not change. Denmark was pressured to make a similar statement. They added that the Danish government does not support Tibetan independence, and President Obama added that statement as well.

I think that addition is even more harmful, and completely unnecessary. It takes away and violates the Tibetans' right to self-determination to say that they cannot have any say in their future because we do not support a particular outcome. Again, this type of statement reduces the leverage for Tibetans, should negotiations take place.

Co-chair MCGOVERN. Thank you. I think our position is that Tibet's true representatives are the Dalai Lama and the Tibetan government-in-exile, as recognized by the Tibetan people. That is the direction that our government should follow, as well as other governments around the world. Mr. Tethong, the position of the Central Tibetan Administration is that the Middle Way approach proposed by the Dalai Lama is the only viable solution to the Tibet problem—and would you characterize the Chinese government's response to the Tibetan position as their disagreement that the Middle Way approach is viable, or is it a denial that there's even a Tibetan problem at all?

Mr. TETHONG. That's a difficult question to answer. It seems very complicated. I couldn't understand what you were saying, actually.

Co-chair MCGOVERN. Yes, I mean, I guess the question is that His Holiness outlined this Middle Way approach, and the Chinese government hasn't responded, right? The question is, is it that they cannot see themselves getting to the Middle Way approach, or is it basically that they feel they don't have to, because there isn't a Tibetan issue they have to deal with?

Mr. TETHONG. I think it may be more of a lack of confidence on their part on how to deal with the Tibet issue—afraid that if they give in to the Tibetans, other issues will arise within China. Also, the Tibet situation is not entirely comparable to any other. That may be one reason. And the basic reason, I think I tried to point out earlier, is that within the Chinese leadership, from a position of being confident and trying to find a solution during Hu Yaobang and Deng Xiaoping's time, it has retreated to another direction. And this Middle Way policy may have suffered.

Co-chair MCGOVERN. I apologize. I just have a few more questions. I just think it's important to establish a full record here, not only for the Commission but for my colleagues.

Ms. Bork, there have been many meetings between U.S. Presidents and His Holiness the Dalai Lama. Would you say that these meetings have strengthened the hand of the Dalai Lama vis-à-vis China? And if President Biden were to meet with His Holiness during his term, what would you advise him to say?

Ms. BORK. I think the reception by U.S. Presidents of the Dalai Lama has been extremely important, and also because it has become so regular. It would be wonderful for President Biden to be able to visit with the Dalai Lama, or if travel for either one of them were a problem, having the vice president call on His Holiness would signal American support and an effort to break down some of the isolation that His Holiness has experienced over the years.

What should he say? I think it's very much a part of the broader U.S. policy for China. A democratic basis of government for Tibet and China would be what the U.S. President seeks, and committing to that and committing to support Tibetan democracy in exile, but also Tibetan democracy eventually and Chinese democracy, under whatever arrangement most people can agree on should be the goal. I don't see any problem with the United States standing for that. In fact, I think it's imperative.

Co-chair MCGOVERN. Thank you. Professor Lau, Mr. van Walt's books argue that it is inappropriate—and if I'm mischaracterizing your books, correct me—that it is inappropriate to apply the mod-

ern definition of sovereignty to Tibet and its neighbors because ruling powers in East Asia are related to each other in ways that were distinct from the Western notion of sovereignty that was applied later. Does your research conform to this view? And how would you characterize Tibet's relations with its neighbors over the centuries?

Mr. LAU. Thank you for your question. As far as I could tell, there are many places in Chinese official records where entities were referred to as "countries," which in Chinese is *guójiā*, (country). And Tibet is also referred to as a country, *guójiā*, just like Vietnam and Holland, and other countries. So if you look at the history of Tibet over the past 1,000 years, they are not that dissimilar or that different from the histories of Germany, or China, whatever. Sometimes they are unified into a central administration and at other times it was fragmented. And sometimes there were all these principalities.

So I guess your question itself would take hours to debate, and I'm not good enough to answer the question. Certainly, by the Qing Empire's time, or actually even before that, I think by the 15th or 16th century, Tibet became sufficiently unified. They had all these structures of government such as legal codes, central taxation, and so forth, that qualified them to be a country. But I've always felt that—pardon me for saying this—it's a less relevant question. The more relevant question is, was Tibet part of China? And if Tibet wasn't part of China, to put it bluntly, it's really none of your business whether Tibet itself was a country.

So on one hand I would say, yes, Tibet was definitely a country, compared to the standards that would be applicable to China and Germany since the 15th century or so. But again, I want to repeat that that's probably an unnecessary confusion of the issue. The more important issue is that nobody has the right to judge whether Tibet was a country. The more important thing is whether Tibet was part of somebody else's territory. And if it wasn't, then leave Tibet alone.

Co-chair MCGOVERN. Thank you for clarifying all that for us. Let me ask one other question, and then, to everybody here, any closing remarks that you want to make. In a May press conference with the Japanese prime minister, President Biden said, "I believe what Putin is attempting to do is eliminate the identity of Ukraine"—the identity. He can't occupy it, but he can try to destroy its identity, and you know, I think those words are true, what Putin is trying to do in Ukraine, but I think they're also applicable to what China is trying to do in Tibet.

When we visited Lhasa back in 2015 with Speaker Pelosi, it was clear what they're trying to do—deny Tibetans access to their religion, prevent them from speaking their language and honoring their customs, you know, being who they are. They're doing it in a thousand different ways, and displacing people. And it really is quite horrific what is going on; the brutality is really horrific. How should we view Tibet through the lens of President Biden's comment about eliminating the identity of Ukraine? And I will ask you all to respond, and also with anything that you think we should add for the record. This is the time to make that clear as well.

So why don't we begin with Mr. van Walt.

Mr. VAN WALT VAN PRAAG. Thank you very much. I think what is happening in Ukraine—Russia's war within Ukraine is bringing home a number of issues that are directly related to Tibet as well. I mean, we are obviously shocked by the blatant aggression against Ukraine and are reminded that exactly the same happened a little over 70 years ago, in relation to Tibet. President Biden also made a statement to the effect that taking another's territory by force is unacceptable, that it violates fundamental norms of our international order. I couldn't agree more. And I think that should apply to Tibet.

In terms of the destruction of the very identity of the Tibetans, and I believe the same is true when we look at the Uyghurs in East Turkestan, it has become very clear, I think, at this point, that the very policy of the PRC and of the Chinese Communist Party is precisely this: To destroy the identity of these peoples because they have found them to be an obstacle to their full integration in China. And not only that, but they have found that as long as there is a sense of identity in the Tibetan case and in the Uyghur case, both very closely linked to their religious beliefs and traditions, that the CCP will not be able to fully control the Tibetans.

This is linked also to the question of the reincarnation of the Dalai Lama. All Chinese policies today under Xi Jinping are geared at full and total control of the Tibetans, whether it is through the Dalai Lama, by picking him and educating him in accordance with CCP views, or whether it is by taking the children and placing them in this network of colonial schools, or whether it is by suppressing religious freedom, and other things as well. So, yes, the intention is to rub Tibet off the map in terms of the identity and the distinctness of the Tibetan people. As part of that, there is a strong effort to rob the Tibetans also of their history, since that's also tied to their identity and is a continuing embarrassment to China's attempt to continue to rule Tibet.

Co-chair MCGOVERN. Mr. Lau.

Mr. LAU. Well, I would like to reiterate two points. The first point is I hope the United States and other governments would counter directly the claims of some of these empire revivalists. We're seeing that, of course, in Putin's case, and then very likely a few years from now we'll see that explicitly expressed in China, that they can use historical fabrications to justify their attempts to reunify their ancestral lands. And that comes to the second point, which is that I hope in the future, in schools throughout the world, people will try to change this perception that I know is very deeply ingrained among the Chinese, that it's very important to be a national of a big country, of a powerful country. They believe that it is essential to their well-being. My background is that I was born in Singapore. And of course, I've seen countries like Liechtenstein and Switzerland; people in Singapore and Liechtenstein have no interest in enlarging their countries. And people can live very well. But people who are educated in Russia and China, it never comes to their minds that they could live happily ever after if they lose Xinjiang, or Ukraine, or Tibet, or whatever it is. They think it's the end of the world if their country is splintered, and then Tibet is gone, and Xinjiang is gone. I think it's important for us, using the

Voice of America, or whatever, to try to somehow tell people explicitly that people in Switzerland and Liechtenstein live very well. This is all the message that I have.

Co-chair MCGOVERN. Thank you.

Mr. Tethong.

Mr. TETHONG. Thank you, Chairman. With reference to what's happening in Ukraine, I think one can say that 70 years ago Tibet was in the same situation, and unfortunately, the world community could not come to Tibet's assistance. We hope attention and focus on Ukraine will be much better, and the outcome will be better too.

For the record, I would like to take the opportunity, on behalf of all Tibetans, to express acknowledgement and gratitude to the United States Government for the attention and focus on what's happening in Tibet. Clearly a tremendous amount of change has happened in Tibet, for the better, because there is attention from the outside world, and especially the United States. We especially acknowledge Members of Congress who have taken the lead, and your leadership at this time on the Tibet issues as well. I would like to say thank you on behalf of the Tibetan people.

Co-chair MCGOVERN. Thank you.

Ms. Bork.

Ms. BORK. Thank you very much. Just in closing, as you're talking about what happened 70 years ago, I just wanted to mention that the United States took a very principled position in support of the Baltic states against the annexation by the Soviet Union. There are some dissimilarities, but not really serious ones, in my view. It's really valuable for the United States to look back at the constraints it's imposed on itself all these decades, acting on behalf of Tibet and making the Tibetan exile government's position stronger in trying to reach some kind of improvement. In that regard, I think a strategic focusing on Tibet as a strategic issue is vital.

For the record, I will pass along to the staff a readout of a tabletop exercise that several of us conducted in 2019 about the future, with the passing of the Dalai Lama and how governments will respond at that time. Clearly that is an exercise that needs to be repeated. And it would be something that I think Members of Congress would find useful to think about—being prepared for that eventuality, and what China will do and what the United States and its allies should do in preparation. Thank you very much.

Co-chair MCGOVERN. Thank you, and thank all of you for your testimony. I think this is a very important hearing because in our discussions on Tibet, and some of the topics that we covered here today, we don't include the historical fact that Tibet has not been a part of China since ancient times. I think everybody here has disputed that very clearly. Our focus is on standing with the people of Tibet to protect their identity, to protect their history, to protect their culture, and to protect their human rights, and I believe that we in the United States—and, Mr. Tethong, I appreciate your kind words, but to be honest with you, we're not doing enough. The world community is not doing enough. You know, if we were, we would be having a very different discussion right now.

And it's complicated. There are corporate interests involved, urging governments not to rock the boat because they're all worried

about continued corporate profits and strategic issues. Nobody wants to rock the boat with China. We're very good at talking the talk; we're not very good at always walking the walk on these issues.

But I think that's changing. I really do. I mean, I look at the last few years here in the United States Congress. We have legislated more; we have created more policy on Tibet than at any other time. As I said, Tibet's true representatives are His Holiness the Dalai Lama and the Tibetan government-in-exile, as recognized by the Tibetan people, and I think that that should be our guiding principle here as we move forward. I mean, it's not up to President Biden, or it's not about what President Xi wants for Tibet. It's not about what the President of France wants. It's what the Tibetan people want.

So any solution, any way forward, has to be what the Tibetan people want. It can't be imposed by somebody who's not part of the Tibetan community and I think there's a growing recognition of that. The Tibetan government-in-exile is showing an embrace of democracy, which is really inspiring. I witnessed some of the election. I've watched online as people voted in far-off places, participating in this process. It really is inspirational. But I've also met with families who have been torn apart, people who don't know where their mothers or fathers are, who were disappeared. It's cruel and it is horrific.

Again, we are moving forward with additional legislation. We are encouraged by the new special coordinator in this administration. We will work with her to have her not only be a spokesperson for what U.S. policy should be but to work with the international community. I was particularly grateful that this hearing is being held at the same time that the World Parliamentarians' Convention on Tibet is meeting. This is not just a U.S. issue. It is a global issue. If you care about human rights, this has to be a central issue. I mean, you go all over the world and you have these countries go, Oh, human rights, human rights, human rights. Well, if you can't stand up to China on something like this, then stop talking about human rights.

And to the Chinese government, look, if you want to do something constructive right now, you should re-enter the direct dialogue that you walked away from 12 years ago. This issue is not going away.

I appreciate everybody being here. I want to thank all the witnesses for their testimony. Without objection, I'd like to enter into the record a written statement from the International Campaign for Tibet and an additional paper by Professor Lau. The record will remain open until the close of business on Friday, June 24th, for any items that members would like to submit for the record or any additional questions for the witnesses. And with that, the hearing is adjourned.

[Whereupon, at 10:56 a.m., the hearing was concluded.]

A P P E N D I X

PREPARED STATEMENTS

PREPARED STATEMENT OF MICHAEL VAN WALT VAN PRAAG

Contrary to what the People's Republic of China claims and to what many people take for granted, Tibet was historically *not* a part of China. This is one of the outcomes of a multiyear collaborative historical research project that I recently completed and published.¹

This is relevant and requires our attention because the PRC government has made agreement on *its* version of history a precondition to Sino-Tibetan negotiations, which have been in deadlock now for 12 years.² More fundamentally, the PRC bases its entitlement to Tibet *solely* on its assertion that Tibet has been an integral part of China since antiquity.³ Whether or not Tibet was historically a part of China therefore determines whether the PRC has the legitimacy to rule Tibet or not. And *that* in turn informs the international community's obligations and responsibilities regarding the Sino-Tibetan conflict.

Addressing the plight of the Tibetan people has been one of my lifelong goals, and my contributions have mostly been in the international legal and diplomacy spheres, in line with my career. I undertook this academic historical research to get to the bottom of what informs the PRC government and the Dalai Lama in their opposing views on Tibet's historical status, with the aim to be able to come up with strategies for those with access and clout to encourage the parties to break through the stalemate and resume their dialogue.

In the process it became clear that the PRC's historical narrative—that Tibet has always been a part of China—stands in the way of Sino-Tibetan negotiations in more than one way. The international community has started to buy into that narrative and governments have started to act accordingly, treating Tibet as if it was China's internal affair and even stating they consider Tibet to be a part of China. I strongly believe that this development is one of the main obstacles to resolving the Sino-Tibetan conflict through negotiations. It is also in violation of international law.

Our research firmly establishes that though not always 'independent' in the modern legal sense of that term and over time subject to various degrees of Mongol, Manchu and even British authority or influence, Tibet was most certainly *never* a part of China. The PRC could therefore not have 'inherited' Tibet from the Republic of China or earlier empires, as it claims. As a matter of fact, Tibet was an independent state *de facto* and *de jure* from 1912 to 1950/51, when the PRC invaded it.

Because Tibet was not at any point in time a part of China, the PRC's military invasion of Tibet in 1950/51 constituted an act of aggression and violated the peremptory norm of international law prohibiting the acquisition of territory by the use of force against another state.⁴ This informs the legitimacy of the PRC's presence in and rule of Tibet the past seven decades: China does *not* have sovereignty over Tibet. It is occupying Tibet illegally.

International law prohibits governments from explicitly or implicitly recognizing China's unlawful annexation of Tibet, from doing anything that helps China consoli-

¹The 10-year research project, which involved some 100 leading scholars worldwide, resulted in the publication of *Sacred Mandates: Asian International Relations since Chinggis Khan*, co-authored/edited with Timothy Brook and Miek Boltjes, Chicago University Press, 2018, and *Tibet Brief 20/20*, co-authored with Miek Boltjes, Outskirts Press, 2020. *Sacred Mandates* won a 2021 International Convention of Asian Scholars Book Prize.

²See State Council Information Office of the People's Republic of China, *Tibet's Path to Development Is Driven by an Irresistible Historical Tide* (Beijing, April 15, 2015).

³*Tibet Brief 20/20*, *op. cit.* pp. 6–10.

⁴A peremptory norm is an international obligation "so essential for the protection of fundamental interests of the international community that [its] breach [is] recognized as a crime by that community as a whole". International Law Commission Rapporteur Roberto Ago. Quoted in Cassese, *International Law*, p. 202. Aggression is a prime example.

date its hold on Tibet, and from denying the Tibetans the exercise of their right to self-determination.⁵ It also prohibits states from benefiting from the exploitation of Tibet's resources so long as Tibetans are denied the ability to make decisions concerning them.⁶

At the same time, governments have the positive obligation to take action to help bring about a resolution of the Sino-Tibetan conflict, end the occupation of Tibet and enable the Tibetan people to exercise self-determination.⁷

Many governments are today acting contrary to these obligations, in plain violation of international law and to the detriment of the resolution of the Sino-Tibetan conflict. This includes the US government.

Two developments stand out in this regard: governments make statements recognizing that Tibet is a part of the PRC, and they treat Tibet as China's internal affair, outside their purview.

When governments state that they consider Tibet to be a part of the PRC, they take away the PRC's principal incentive to negotiate with the Tibetans as well as reduce the latter's main source of leverage. In the first place, Beijing uses these statements as 'evidence' for its claim that it has sovereignty and legitimacy in Tibet, and even for its historical claim. The more such statements it obtains, the less it feels the need to turn to Tibetans for legitimacy. Instead, it uses the international community's pronouncements as a substitute for true legitimacy, that is, the legitimacy that would result from the consent of the governed—through an exercise by the Tibetans of self-determination or through a process of sincere negotiations with the Tibetan leadership.

Secondly, once a government states that it considers Tibet to be a part of the PRC it cannot but treat Tibet and Sino-Tibetan relations as China's internal affair. This is effectively happening today: most governments are limiting their expressions of concern to human rights abuses. In this way Beijing has largely succeeded in containing international scrutiny and reproach to where it can manage it.

Some governments, including the U.S., have also added that they do not support or are opposed to Tibetan independence.⁸ Such statements not only violate the prohibition against recognizing annexation by force, but also constitute a denial of the Tibetan people's right to self-determination, an equally serious violation of international law. Even though states cannot actually take away the right to self-determination—including the option of independence—from the Tibetan people, such statements do the Tibetans a great disservice and encourage Beijing to ignore the Tibetans' rights. By supporting the aggressor, not the injured, they also fail to fulfill the fundamental role international law requires the international community to play—to prevent war and promote friendly relations and cooperation among states based *inter alia* on the principles of non-use of force against other states and of equal rights and self-determination of peoples—frustrating the very purpose of international law in the process. For, as the International Court of Justice underscored in the Namibia case,⁹ it is precisely to the international community that the injured people must look for ending the illegality and for realizing its rights.

It is for Tibetans, and Tibetans only, to make concessions with respect to their right to independence—if and when they so decide. Ruling out independence one-sidedly disempowers the Tibetan side. It weakens the Tibetans' negotiation position, exacerbates the already stark power asymmetry, and conditions the expectations of the Tibetans as well as of the international community to envision a settlement that can bring only marginal change in Tibet. Given what we know, not only about Chi-

⁵ International Law Commission, 'Articles on the Responsibility of States for Internationally Wrongful Acts (ARSIWA)' (2001) YILC Vol. 2, Part 2, Arts. 40, 41, and commentary para 5. See also, UNGA Res 2625 (XXV) Declaration on Friendly Relations Confirmed by the International Court of Justice in *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)*, paras 119, 124, ICJ Reports 1971; and in *Legal Consequences of the Construction of a Wall in Occupied Palestinian Territory*, paras 155–159, ICJ Reports 2004.

⁶ Court of Justice of the European Union in a landmark case concerning the Sahrawi people's rights, in 2016, CJEU, Judgment in Case C-104/16 P *Council v Front populaire pour la libération de la sahra el-hamra et du rio de oro (Front Polisario)*, Dec. 21, 2016 <https://curia.europa.eu/jcms/upload/docs/application/pdf/2016-12/cp160146en.pdf>, accessed 08/28/2021. Confirmed by the UK High Court on 2019, <https://www.lexology.com/library/detail.aspx?g=e9a48d23-358c-4948-b754-3f8868bda922>.

⁷ International Law Commission, ARSIWA, *op. cit.*, Commentary to Art. 41(1).

⁸ See, e.g., President Barack Obama—February 21, 2014, Readout of the President's Meeting with His Holiness the XIV Dalai Lama. See also, 'Note Verbale' of the Danish government of Dec. 9, 2009. Reported by AFP, Dec. 10, 2009.

⁹ International Court of Justice (ICJ), *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)*, ICJ Reports 1971, para 127, concerning South Africa's illegal annexation of Namibia.

na's treatment of Tibetans¹⁰ but also of Uyghurs, as detailed in the recent Newslines Institute Genocide report,¹¹ and the fact that Tibetans are resorting to self-immolation to protest Beijing's oppression and policies to eradicate Tibetan identity,¹² I ask: is marginal change in Tibet what the U.S. wants for the Tibetan people?

The need for the international community to take responsibility and effectively address the Sino-Tibetan conflict is not just a legal and moral imperative, it is also a political necessity. Looking the other way with an underlying "let's not make the Tibetans' problem our problem" has been a mistake for which the international community is today paying a price as it tries to deal with an emboldened PRC and Russia asserting expanding territorial claims and influence.

Beijing's aggressive behavior in the South China Sea and threatening moves towards India and Bhutan to press territorial claims, as well as its genocidal policies against Uyghurs, all taking place at the time of this writing, cannot be treated as unrelated to the years of international appeasement of Beijing as concerns its unlawful seizure and occupation of Tibet and its implementation of oppressive policies of integration and assimilation there. And neither can Russia's attempt at forcefully annexing part or all of Ukraine.

It is U.S. policy to support a negotiated resolution of the Sino-Tibetan conflict. U.S. Government **actions**, however, run counter to U.S. policy. Supporting a negotiated resolution of the Sino-Tibetan conflict requires the political will to be vocal about the lack of legitimacy of China's presence in and rule of Tibet, *not* statements that imply an acceptance of China's claim to sovereignty over Tibet. It requires calling and treating Tibet what it is: an occupied country, and the Tibetans what they are: a people under alien subjugation and domination, *not* a 'minority' or 'ethnic group of China'. Adopting such PRC terminology denies the Tibetan people its proper status and implicitly its right to self-determination. And lastly, it requires the Sino-Tibetan conflict to be called and treated what *it* is: an international conflict, falling squarely within the international community's—including the U.S. Government's—purview and responsibility, *not* China's internal affair.

It is also U.S. policy not to recognize a country's attempt to annex territory by the use of force. President Joe Biden recently reiterated that taking territory by force is unacceptable. He said so publicly in reference to Taiwan and Ukraine.¹³ The prohibition against taking another country's territory by force is a cornerstone and fundamental norm of modern international law and the international legal order. No derogation from this is allowed, and governments are prohibited from recognizing such territorial expansion. Just as Russia's attempted annexation of Ukrainian territory cannot be accepted or recognized by the international community, so China's attempted annexation of Tibet must not be accepted or recognized. Only in the absence of such recognition may the PRC government be moved to negotiate with the Tibetan leadership to resolve their conflict.

The U.S. Department of State stated on March 12, in relation to the Russo-Ukrainian conflict, that the U.S. is committed to "putting the Ukrainians in the strongest possible negotiating position".¹⁴ Tibet's leaders are committed to non-violence and do not seek weapons. But they do need coordinated international action to—at a minimum—firmly anchor Tibet's international legal status, to bolster its negotiating capacity and to bring China to the negotiating table. The U.S. and other governments have shown in recent months how coordinated diplomatic and economic measures, including sanctions, can be deployed in efforts to stop and punish aggression. Such coordinated action is overdue to address China's occupation of Tibet.

¹⁰ See Tibet Action Institute, *Separated from Their Families, Hidden from the World; China's Vast System of Colonial Boarding Schools inside Tibet*, December 2021; Tibet Advocacy Coalition, *Assaulting Identity: China's New Coercive Strategies in Tibet*, March 2021.

¹¹ Newslines Institute for Strategy and Policy, *The Uyghur Genocide: An Examination of China's Breaches of the 1948 Genocide Convention*, March 2021.

¹² There have been 160 confirmed cases of self-immolation since 2009.

¹³ <https://www.whitehouse.gov/briefing-room/speeches-remarks/2022/05/23/remarks-by-president-biden-and-prime-minister-fumio-kishida-of-japan-in-joint-press-conference/>. President Biden accused President Putin of attacking "the norms and principles that are the foundations of our international order."

¹⁴ <https://www.reuters.com/world/europe/us-ready-take-diplomatic-steps-ukraine-will-find-helpful-state-dept-2022-03-12/>

WRITTEN STATEMENT
submitted by Hon-Shiang LAU

I want to thank this distinguished audience for enabling me to make this presentation. My theme is: China's pre-1949 **official** historical records clearly show that, before the PRC invaded Tibet in 1950, Tibet was **never** part of China. This is an important issue because China is a signatory to the relevant covenants of the League of Nations and the United Nations; which means that, since 1919, China has promised not to gain territories through military conquest thereafter. Moreover, the PRC incessantly condemns other countries for their past colonial conquests and their past "bullying" of China. Therefore, the PRC needs to cover up its 1950 Tibet conquest as a "unification" of a territory that has been "part of China since antiquity." Sadly, today many governments incorrectly believe this ridiculous lie, and this is part of the reason why many western democracies fail to provide adequate support for upholding Tibet's sovereignty.

There are two important foundation concepts behind my theme.

Foundation A: There is an abundance of authentic and reliable pre-1949 Chinese official historical records. The PRC-version of "Chinese history" is very very different from the version of "Chinese history" reflected in these pre-1949 official Chinese records.

Foundation B: We use a comprehensive range of objective criteria to examine whether Tibet was part of China. Thus, to judge whether Tibet was part of China during China's Ming dynasty, we use official classical Chinese records to examine, for example:

- #1. Whether the Ming Empire had designated Tibet as part of China or as a foreign entity, say, via a promulgated map?
- #2. Was the Ming Empire able to conduct census or collect taxes in Tibet?
- #3. Was the Ming Empire able to appoint and dismiss judges and governing officials in Tibet?
- #4. Was China's language, legal system and monetary system used in Tibet? Etc., etc.

Combining Foundations A and B, we can prove the following conclusion: China's pre-1949 official records clearly show that Tibet was never part of China before PRC's 1950 invasion. We also prove that PRC's evidence of sovereignty over Tibet are based on not only distortions, but outright fabrications and forgeries of pre-1949 Chinese records. This means that a current permanent member of the UN Security Council militarily conquered a foreign country in 1950 and continues to subjugate it today. This crime obligates the intervention of the international community.

Example of a Ming-Dynasty Proof. Please look at the attached MAP #1, purported to show the entire Ming Empire.

Regarding my "Foundation A" stated earlier: this proof is from a Ming-dynasty 1461 government publication; i.e., it comes from a very authoritative Chinese source.

Regarding my "Foundation B": it relates to an objective 'sovereignty' criterion -- depiction on a national map.

This map labels Chinese territories in framed white lettering on black background; in contrast, it labels non-Chinese territories such as Japan (on the east) and Tibet (on the west) in non-framed

black lettering on white background. The contrast is literally in 'black and white': i.e., the Ming government clearly declares Tibet as a non-China foreign entity

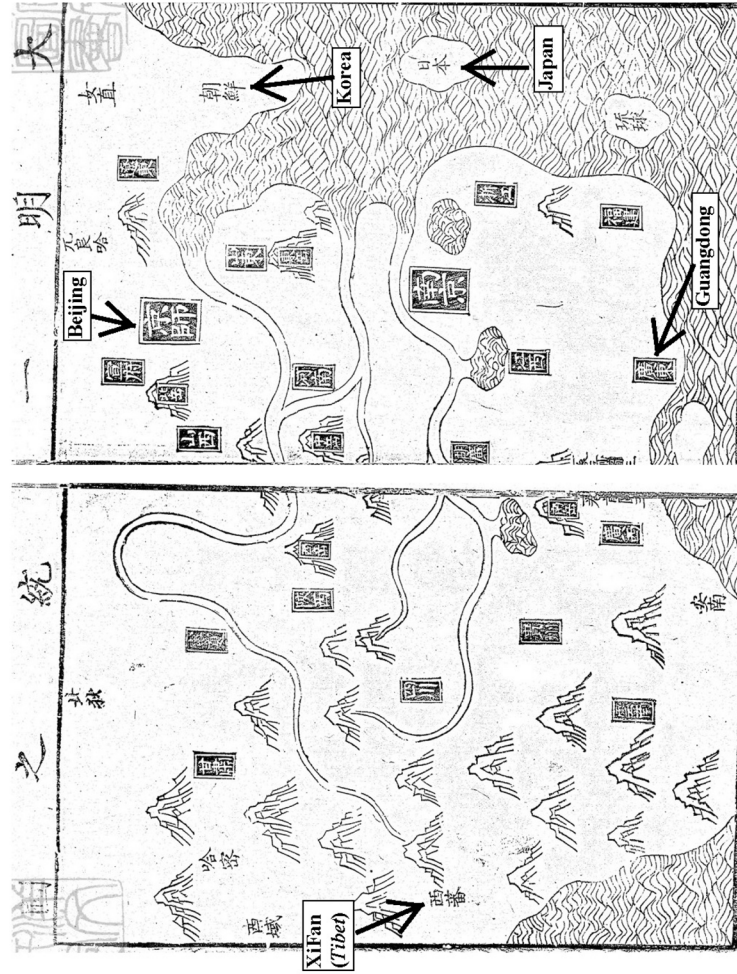
Example of a Qing-Dynasty Proof. Please look at the attached MAP #2.

This is from a Qing-dynasty 1732 government publication, purported to show the entire Qing Empire. On this map, the Qing government shows the position corresponding to today's Tibet Autonomous Region (TAR) as a blank space.

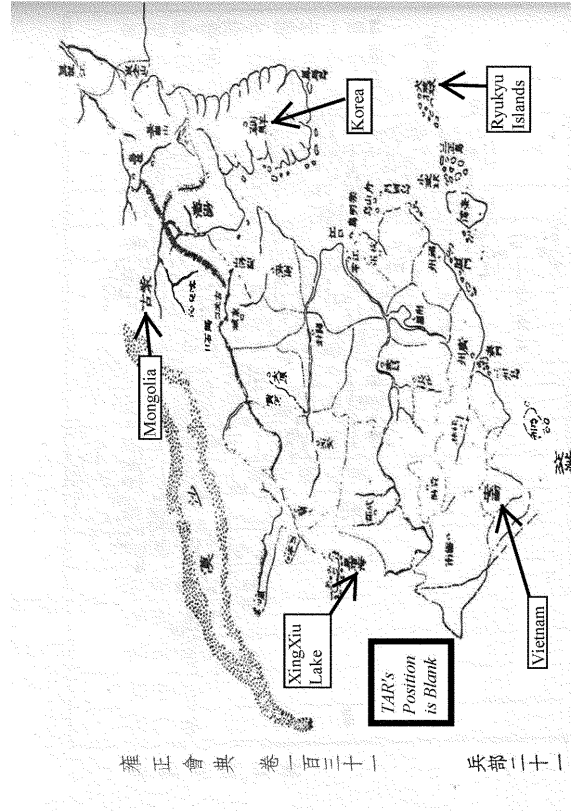
Hundreds of similar proofs are presented in my book. Most of them involve textual records, which are more reliable.

Thank you very much.

**MAP #1: <Great Ming Unification Map 大明一统之图>
from 《Great Ming Unification Record 大明一统志》, 1461 A.D.**



MAP #2: <Overall Map of the Empire's Realm 版方总图>
 from 《Great Qing Comprehensive Reference, Yongzheng Era 大清会典·雍正》, 1732 A.D.



PREPARED STATEMENT OF TENZIN N. TETHONG

Hon. Chairman,

It is my distinct honor to offer testimony this morning at this hearing on “Tibet: Barriers to Settling an Unresolved Conflict” and to speak briefly on Tibetan-Chinese relations in the 20th century, including efforts towards a resolution of the Tibet issue.

Tibet has remained an unresolved conflict ever since the establishment of the People’s Republic of China. One of Mao Zedong’s earliest declarations was his intention to “liberate” Tibet from the West, and the Tibetan people from a backward and oppressive society.

The Tibetan government protested to the new Chinese state citing Tibet’s historical independence from the time of Tibetan Kings to the rule of the Dalai Lamas, from the Tang to the Manchu Qing dynasties. With equal urgency, Tibet appealed to the United Nations and the global community, especially to India, the United Kingdom and the United States. Unfortunately, China did not heed Tibet’s protests and the global community did not come to Tibet’s defense.

The People’s Liberation Army marched into Tibet in 1950, easily overwhelming the Tibetan army and militia. China knew right then that rhetorical justification for such an invasion was not enough and called for negotiations to formalize an agreement. Tibetan representatives negotiated in Beijing, but disregarding any proper ratification process, were forced to sign what is called “The 17 Point Agreement for the Peaceful Liberation of Tibet.”

Nevertheless, for the next nine years, His Holiness the Dalai Lama and the Tibetan government tried to work within the broad confines of the agreement which promised no change in the status of the Dalai Lama or the Tibetan government. However, the Chinese did not live up to their commitments nor to the personal assurances the Dalai Lama had received from Mao Zedong.

Tibetan dissatisfaction was widespread during these years and protests against the Chinese finally culminated in the uprising in Lhasa on March 10, 1959, which led to the escape of His Holiness the Dalai Lama and thousands to India and neighboring countries.

For the next twenty years Tibet was completely shut off from the rest of the world. An extreme overhaul of Tibetan life from its traditional Buddhist roots to Chinese Marxist socialism was introduced, which in the later years was consumed by the madness of the Chinese Cultural revolution.

However, in early 1979, China deemed the Tibetan issue important enough to be revisited. Deng Xiaoping invited the Dalai Lama’s older brother to Beijing and declared that short of separation, everything could be discussed, meaning that short of granting Tibetan independence, China would be open to all Tibetan concerns and aspirations.

This breakthrough meeting led to renewed dialogue between the Dalai Lama and the Chinese government, and four delegations of exile leaders were able to visit Tibet extensively, to see and learn what had transpired in the two decades of Chinese rule.

By 1984, representatives of the exile government were in deliberations with Chinese officials to address the larger issues related to Tibet. However, in 1987, Hu Yaobang, Party General Secretary and the main proponent of change in their Tibet policies died. This was soon followed by the Tiananmen student protests and the massacre. China stepped backwards and the Tibet issue also retreated.

In 2001, however, communication with China was restored, and Envoys of His Holiness the Dalai Lama began meeting in Beijing, and the Tibetan side presented the Dalai Lama’s Middle Way policy seeking genuine autonomy for Tibet within the framework of the PRC. The Envoys met many times, even after the unprecedented 2008 Tibet-wide protests that called for greater freedom for the Tibetan people. However, the Envoys’ last meeting was to be in 2010 when the Chinese ended the dialogue process.

This brief overview of Tibetan-Chinese relations should show that even at the most challenging of times, China has seen the need to address the legitimacy of their rule in Tibet. And that there is perhaps now a realization of the shortcomings of their rule. China has also repeatedly initiated direct communication with His Holiness the Dalai Lama, demonstrating the obvious need to find a meaningful resolution to these outstanding issues.

Ever since the exile delegation visits to Tibet in the 1980s, to the later meetings of the Dalai Lama’s Envoys in Beijing, the Chinese leadership has been made much more aware of Tibetan perspectives of their rule in Tibet, and of the unvarnished aspirations of the Tibetan people, both of which contradict the official Chinese narrative.

Worldwide attention to Tibet has been an important part of creating greater awareness of the Tibetan issue even within China, allowing for more liberal and reasonable views of the Dalai Lama and of Tibetan hopes and demands to have some standing.

There is little doubt that public support for Tibet, through the person of His Holiness the Dalai Lama and concerns for the cultural and human rights of the Tibetan people, has been an important factor in the U.S. Government's attention to the issue, which has been sustained to a large degree by individual members of Congress.

The continued efforts of the United States can only help in removing barriers to this unresolved conflict and will advance the Tibetan people's desire for greater freedom and democracy.

Thank you.

PREPARED STATEMENT OF ELLEN BORK

Mr. Chairman, members of the Commission, thank you for inviting me to appear before you today. I am also grateful to the Commission staff for their advice and expertise.

The Trump Administration began, and the Biden Administration continues, to chart a profound change in American policy toward Communist Party-ruled China.

So far, however, Tibet has not been the focus of significant policy revisions by the executive branch. Certainly, Tibet today would be far down the list of most Americans' concerns when it comes to China. Compared to China's aggression in the South China Sea, coercive financial diplomacy, and the threat to Taiwan, Tibet is sometimes viewed as a closed, albeit tragic, chapter of history.

By contrast, more than 70 years after the invasion, Tibet remains a high priority for the Chinese Communist Party. This priority is evident in the attention and resources the Party devotes to surveillance, repression and control, to General Secretary Xi Jinping's goal of sinicizing religion, to the exploitation of natural resources and to building up military forces along Tibet's border with India.

Furthermore, the Party's ambitions regarding Tibet are international and expansive. They are a part of China's assault on liberal democratic norms. This in turn serves Beijing's ultimate goal of gaining international deference to its choice of the next Dalai Lama. Preventing that, reversing the diminution of support for the Dalai Lama and building support for Tibetan democracy should play a much greater role in America's response to China.

The foundations of American Tibet policy make this more difficult than it should be. A look back at history shows that America's Tibet policy is not the product of historical facts, or principles of international law, but rather of outdated perceptions of America's strategic interest in subordinating Tibet to China.

Washington had little involvement in Tibet until World War II. Before then, the U.S. favored China's territorial integrity even while its empire was disintegrating. During World War II, Washington was allied with Chiang Kai-Shek. That relationship had profound and lasting effect on Tibet.

Chiang hoped to recover lost imperial territory, including Tibet. American officials did not wish to undermine him, even though officials knew that he exerted no authority there and they considered that Tibet had been de facto independent for decades since the collapse of imperial rule.

Also damaging was Washington's acceptance of imperial Britain's assertion of Chinese "suzerainty" over Tibet. Less than sovereignty, suzerainty is an anachronistic and inapt concept which neither Tibet nor China accepted but which imperial Britain introduced in order to fend off Russia's eastward advance during the geopolitical competition in the region known as the Great Game.

Even so, American officials seemed uncomfortable with the term, and resisted using it. From the 1940s through the 1960s, in internal documents, officials considered different views of Tibet's status in response to developments. At the time of the invasion, a memo by the State Department's legal advisor suggested that recognition of Tibetan independence was a possibility. Later on, in the 1960s, there was sympathy for the idea of Tibetan self-determination, including in a letter from the Secretary of State to the Dalai Lama. But it was easy enough to say this while doing little except provide some support to Tibetan rebels, and while the U.S. was still allied with Chiang Kai-shek, who had fled to Taiwan.

Only decades after the invasion did the U.S. recognize Chinese sovereignty. In 1987, the State Department, responding to questions about unrest in Tibet, dated this position to 1978. That reference appears to have been an internal decision rather than a public statement. And it took place around the time of the break in rela-

tions with Taipei. Visiting Beijing in August 1979, Vice President Mondale told Deng Xiao-ping, “our position, whenever asked, is that Tibet is part of China.” The Vice President also said that henceforth, the Dalai Lama would be received as a religious figure, not a political leader.

In short, America’s approach to Tibet fluctuated according to its perception of its strategic interests with regard to China—and with regard to which Chinese government it favored—the Republic of China or the People’s Republic of China. Ultimately, Washington transferred its deference to China over Tibet from a cultish dictatorship that never exerted authority there to a cultish totalitarian regime that invaded and repressed it.

Once this was done, Tibet became problematic within U.S.-PRC relations. As Melvyn Goldstein writes, with policy focused on improving its accommodation with China, Tibet became “an embarrassment for the United States,” “no longer relevant to U.S. national interests” and even “potentially harmful.”¹ The characterization of Tibet as a problem in U.S.-China relations that should be neutralized, including for Tibet’s own sake, has persisted.

Of course this approach to Tibet, and the decision to accept the PRC’s sovereignty, meant that the democratization of the theocratic government in exile—and the illegitimacy of Party rule there—could not be a major factor in America’s policy. The extraordinary accomplishment of Tibet’s democracy in exile would not be discussed alongside the democratic transitions in the Philippines, Taiwan, Indonesia, and South Korea at the end of the last century which have shaped America’s approach to the region ever since. It should also be noted that America’s approach to Tibet had been out of step with the principled stance Washington took against communist aggression in Europe and the annexation of the Baltic states.

* * * * *

For its part, the CCP has maintained an ambitious agenda for Tibet, and not only inside its borders. In neighboring countries it has used border settlements, security relationships, investment and the development and appropriation of Buddhist sites to advance its interests. In fact, even today, Chinese officials maintain territorial ambitions with regard to Tibet, speaking of parts of northeastern India as “Southern Tibet” and putting pressure on India across the Tibet-India border.

Beijing also pursues its Tibet agenda aggressively in foreign capitals and international organizations. Beijing uses its self-proclaimed “core interest” in Tibet to impose litmus tests in the United Nations, and in foreign capitals.

In this way, Tibet is an instrument of the Party’s assault on liberal democratic norms. It is also intended to help the Party win international deference to its selection of the next Dalai Lama.

In 2019, I convened a group with expertise in Tibet, China, India, and American foreign policy to consider how governments would respond when the Dalai Lama dies, and China seeks to install an impostor. The group concluded that the Dalai Lama’s succession is a matter of strategic competition and should be viewed as such by the U.S. and its democratic allies.

A final note: the Party’s intense propaganda and control makes it seem that Chinese people are irredeemably nationalist when it comes to Tibet. This has an effect inside China, of course, but also outside, making new thinking about Tibet seem hopeless. In fact, leading Chinese dissidents have offered criticism of Party policies in Tibet. Going back to Wei Jingsheng, and continuing to Liu Xiaobo and Xu Zhiyong, pro-democracy activists, lawyers and others have bravely linked Tibet’s fate to China’s, stressing that the solution for both Tibetans and Chinese is democracy. Liu Xiaobo wrote in 2008, “a confrontation between freedom and dictatorship has been made to look like a clash between ethnicities.”² The democracy manifesto, Charter 08, referenced Tibet indirectly in its call for a “federation of democratic communities of China” and the resolution of “disputes in the national minority areas of China ... to find a workable framework within which all ethnic and religious groups can flourish.”

This is a message from inside China that American officials should consider. Taken together with the democratic achievement of the Tibetan people in exile, the U.S. can chart a new approach based on Tibet’s strategic importance, not only in the territorial sense, but in the ideological one.

¹Melvyn Goldstein, *Snow Lion and the Dragon*, (Berkeley: University of California Press, 1997), p. 57–58.

²Liu Xiaobo, “So Long as Han Chinese Have No Freedom, Tibetans Will Have No Autonomy,” April 11, 2008, *No Enemies, No Hatred*, Perry Link, Tienchi Martin-Liao, Liu Xia, editors, (Cambridge: Belknap Press of Harvard University Press, 2012), p. 263.

A few recommendations follow:

- Renew and redouble support for Chinese and Tibetan political prisoners, dissidents, democracy activists, independent journalists and lawyers.
- Conduct an independent review of U.S. Tibet policy since the end of Chinese imperial rule, including the diplomatic history, and of internal deliberations that have influenced America's approach to Tibet.
- Bring Tibet policy into line with America's interest in combating China's assault on democratic norms, including international law, and in advancing democracy in the Indo-Pacific by enlisting allies in a united position on the integrity of the Tibetan process for selecting the next Dalai Lama. The Dalai Lama, or his designee, should regain the access he once had in foreign capitals.
- Receive elected officials of the Central Tibet Administration (CTA), the Sikyong, his cabinet and other Tibetan officials at the highest levels of government and include them in the Summit for Democracy and other gatherings.
- Make Tibet a part of efforts to counter Chinese influence in international organizations, on university campuses and at the state and local level.

PREPARED STATEMENT OF HON. JEFF MERKLEY

Good morning. Today's hearing of the Congressional-Executive Commission on China entitled "Tibet: Barriers to Settling an Unresolved Conflict" will come to order.

More than 70 years after the invasion that led to Chinese rule in Tibet, Tibetans continue to struggle in the face of unrelenting oppression. Chinese authorities routinely violate Tibetans' freedom of religion, expression, and assembly, as well as denying their self-determination.

The Chinese Communist Party has waged a years-long campaign of "sinicization" requiring conformity with officially sanctioned interpretations of religion and culture, not the authentic practice and teaching of Tibetan Buddhism. Contrary to that practice and teaching, the Chinese government even insists on its own authority to select the next reincarnation of the Dalai Lama, who authorities label a security threat. Those who express reverence for the Dalai Lama are punished.

Also punished are those who express dissatisfaction with Chinese rule in Tibet. These punishments range from warnings to surveillance to interrogation and detention. The Commission's Political Prisoner Database currently includes records of 715 Tibetans detained or imprisoned for political or religious reasons. We note that there are considerably more cases of detention in China than we can capture in the database.

Increasingly, this oppression threatens the religious, cultural, linguistic, and historical identity of the Tibetan people. Earlier this year, we heard testimony about insidious efforts to separate Tibetan children from their parents, with nearly 80 percent of all Tibetan children now placed in boarding schools to disrupt the intergenerational transfer of language and culture. We are observing an expansion of that practice to children going to kindergarten.

This Commission has documented these kinds of human rights violations in Tibet for 20 years and we will continue to do so. In today's hearing, our focus turns to the dialogue needed to address the aspirations of the Tibetan people for their basic rights and self-determination to be respected. Sadly, that dialogue has been frozen for 12 years as Chinese authorities refuse to meet with the Dalai Lama or his representatives.

The longstanding policy of the United States is to promote dialogue without preconditions to lead to a negotiated agreement on Tibet. In other words, we recognize that this remains an unsettled conflict that must be addressed. Yet the Chinese government would have the world believe that Tibet is an internal affair and that issues of its status are resolved. This narrative ignores Tibet's history, and today's hearing aims to set the historical record straight.

Our witnesses will share with us their considerable experience analyzing the history of Tibet, the international law dimensions of the conflict, the barriers to resuming dialogue, and U.S. policy on Tibet. I hope this hearing helps cut through Chinese propaganda and brings attention to the true historical underpinnings of the Tibetan quest for autonomy.

I'd also like to welcome the members of the Tibetan Parliament-in-Exile—it's good to have you here—the International Campaign for Tibet, dignitaries, and other friends of Tibet who are with us this morning while they are in town for the 8th World Parliamentarians' Convention on Tibet. Thank you for joining us.

The causes of Tibetan human rights and self-determination need champions all over the globe and I look forward to continuing to work with my fellow parliamentarians to advance the causes of human dignity and freedom wherever we can.

Among global elected officials, few have been as great a friend of Tibet as my co-chair, Congressman McGovern, who for many years has led the charge in the U.S. Congress to pass legislation and advocate for the Tibetan people.

PREPARED STATEMENT OF HON. JAMES P. MCGOVERN

Thank you, very much Mr. Chairman, and I too also want to welcome our friends who are visiting Washington to participate in the World Parliamentarians' Convention on Tibet.

I want to especially welcome the members of the Tibetan parliament-in-exile. We have two members of the Canadian parliament here. I welcome our friends from ICT. And I welcome my dear friend Richard Gere, who has been an incredible activist and advocate for human rights in Tibet. We are delighted you are all here.

I appreciate that we are holding this hearing on Tibet, the status of dialogue, and a path forward in the Tibetan quest for rights and dignity.

Congress has had a long and abiding interest in Tibet. It created Tibetan language broadcasting, scholarships and exchanges, and aid programs for Tibetans in Tibet and in exile. In 2002, Congress passed the landmark Tibetan Policy Act, and codified the position of Special Coordinator for Tibetan Issues.

Support for Tibet transcends the partisan divide. Congressman Tom Lantos and Senator Jesse Helms stood side by side with the Dalai Lama. So did President Bush and Speaker Pelosi, who presented him with the Congressional Gold Medal in 2007.

I have had the honor of authoring the two most recent Tibet bills to be enacted into law. The Reciprocal Access to Tibet Act seeks to enable diplomats, journalists, and tourists to travel and see Tibet with their own eyes, because Chinese officials have closed it off. The Tibetan Policy and Support Act expands the U.S. policy approach. As its key feature, the bill makes it U.S. policy that the succession or reincarnation of Tibetan Buddhist leaders, including a future 15th Dalai Lama, is an exclusively religious matter that should be decided solely by the Tibetan Buddhist community. Not by China.

Congress and the U.S. Government have advocated for the human rights and religious freedom of the Tibetan people. But the core problem remains that the Tibetan people cannot advocate for themselves. They are forced to live in an authoritarian system under a paranoid central government that sees any expression of distinct identity as a threat to their power.

His Holiness the Dalai Lama says it doesn't have to be this way. He's right. For decades he sought to negotiate with Chinese authorities. He did so in good faith. The Chinese side did agree to ten rounds of dialogue. They talked to the Dalai Lama's envoys. But they did not do so in good faith.

Chinese officials say they will return to the table only if the Dalai Lama meets certain demands—demands that are not only unreasonable, but false. The U.S. Government, to its credit, has consistently called on the Chinese to return to dialogue, without preconditions. But that hasn't worked. For 12 years, the Tibetans stood ready, the Americans asked, but the Chinese turned away. Should we keep doing it this way, or should we explore some other tactic or strategy? That is the question we will explore in this hearing.

Our witnesses today bring expertise and a variety of perspectives—legal, historical, policy, and personal—to the Tibet-China dialogue. We hope to hear what Congress and the U.S. Government can do to help. Should we be countering false Chinese narratives? Should we reorient how we talk about the basis for dialogue? Is dialogue even possible in the current environment, and what would the alternatives be?

Thank you, Mr. Chairman, for the opportunity to consider these important questions. I look forward to our hearing.



INTERNATIONAL CAMPAIGN FOR TIBET

Written testimony by the International Campaign for Tibet for the Congressional-
Executive Commission on China Hearing

Tibet: Barriers to Settling an Unresolved Conflict

June 23, 2022

Summary

To date, more than a decade has passed since the last round of negotiations between the Chinese and Tibetan sides despite efforts by successive administrations to fulfil America's stated policy objective of encouraging a peaceful resolution to the Tibet issue. The Tibetans have made it clear that they are ready to resume negotiations at any time; the Chinese side has not been willing to return to the table without preconditions.

The Chinese Communist Party's rule in Tibet has no legitimate historical, diplomatic, or popular basis, and so the CCP expend significant resources to manufacture legitimacy for Chinese rule in the Land of Snows. The international community has a responsibility to disarm these tactics and place greater prominence and force behind calls for negotiation.

A first step toward rekindling dialogue is for the United States to reiterate that the Tibet-China conflict remains unresolved. The second is to overtly clarify that the only pathway to legitimacy is earning it, instead of capturing it as a spoil of invasion and subsequent occupation.

Achieving this goal will require a reorientation and tactical shift in how the Administration expresses its consistent call for negotiations that can provide greater leverage. Specifically, the United States' government must recognize Tibet as occupied until the genuine, peaceful, and stable reconciliation it consistently demands is met.

Self-Determination: Tibetan loss of a fundamental human right

Over the last three decades, the People's Republic of China (PRC) has maneuvered itself from a pariah state following the Tiananmen Square Massacre to a global economic and political powerhouse. Particularly under the regime of President Xi Jinping (2012-present), the Chinese government has established clear ambitions to secure an alternative international order based on authoritarian Chinese Communist Party rule. This attempted remaking of the international order explicitly rejects American leadership and the values of democracy and rule of law while

seeking to place the People's Republic of China in the global driver's seat. Recognizing the Xi Jinping's expansionist agenda and human rights excesses as an inherent threat to global security and ethical standards, the United States and like-minded nations already are reorienting policies and strategies to confront this destabilizing agenda.

Summarized by Secretary of State Antony Blinken in his George Washington University on May 26, speech "China is the only country with both the intent to reshape the international order and, increasingly, the economic, diplomatic, military, and technological power to do it. Beijing's vision would move us away from the universal values that have sustained so much of the world's progress over the past 75 years."¹

Speaking specifically to human rights, Blinken went on to state "The United States stands with countries and people around the world against the genocide and crimes against humanity happening in the Xinjiang region... we stand together on Tibet, where the authorities continue to wage a brutal campaign against Tibetans... Beijing insists that these are somehow internal matters that others have no right to raise. That is wrong."²

These powerful words reassert the United States' staunch, decades-long, bipartisan support for Tibetan's struggle to sustain their unique identity, including awarding His Holiness the Dalai Lama the Congressional Medal in 2007, passage of the Tibetan Policy Act, the Tibetan Policy and Support Act, the Reciprocal Access to Tibet Act, a host of other resolutions and statements supporting dialogue as the path forward to a lasting, equitable resolution to the 70-year occupation of Tibet.³

However, as will be illustrated below, over time the United States has fallen victim to a pattern of inconsistent statements regarding Tibet's legal international status and ongoing occupation. Faced with such an opportunistic and increasingly belligerent Chinese government United States' statements that on the one hand call for a negotiated resolution to the Tibet-PRC conflict and on the other imply Tibet is "part of China" are both contradictory and undermine the United States' and His Holiness the Dalai Lama's pursuit of a peaceful way forward based on Tibetan consent, not subjugation.

In short, as the United States government and its global partners actively reconfigure their policies and strategies to counter the PRC's ever-growing push for hegemony Tibet belongs

¹ Quint Forney & Phelim Kine, "Blinken calls China 'most serious long-term' threat to world order," *Politico*, May 26, 2022, <https://www.politico.com/news/2022/05/26/blinden-biden-china-policy-speech-00035385>.

² Anthony Blinken, "The Administration's Approach to the People's Republic of China," (speech, Washington, D.C., May 26, 2022), U.S. Embassy in El Salvador, <https://sv.usembassy.gov/the-administrations-approach-to-the-peoples-republic-of-china/>.

³ "US Government," *International Campaign for Tibet*, accessed June 21, 2022, <https://savetibet.org/advocacy/us-government-and-legislative-advocacy/>; "US passes key legislation supporting Tibetans' aspirations, rights," *International Campaign for Tibet*, December 21, 2020, <https://savetibet.org/congress-passes-key-legislation-supporting-tibetans-aspirations-rights/>; "Reciprocity," *International Campaign for Tibet*, accessed June 21, 2022, <https://savetibet.org/why-tibet/reciprocity/>.

squarely in this evaluation. There is a clear need and opportunity for the United States to advance the goal of dialogue while taking a strong moral stand against the Chinese government's disregard for the values of rule of law, self-determination, and human rights for which the United States always has been a beacon.

The Lie: Authenticating China's Claims to Legitimacy in Tibet

The Chinese Communist Party's rule in Tibet has no legitimate historical, diplomatic, or popular basis.

Historical: As a people, Tibetans have maintained a distinct ethnicity, nationality, religion, culture, and religious identity for over 2,000 years.⁴ Although the Mongol and Manchu empires (which ruled over China) both sought to exert significant influence on Tibet, Tibet has never been a part of China per se.⁵ The PRC's assertion that Mongol and Manchu influence over Tibet during times when their empires occupied China somehow establishes a Chinese claim to Tibet would upend any reasonable concept of sovereignty. For example, the reverse claim could be made that since the Mongol empire reached as far as the modern-day Ukraine, China should therefore be "a part" of Ukraine.

The actual historical record is clear. Stone pillars still standing to this day in Lhasa commemorate previous treaties between Tibet and China as equals, including the Sino-Tibetan Peace Treaty of 821, and the Chinese government is unable to point to any instance of Chinese rule over Tibet – until the PRC's invasion of Tibet, which gave rise to the current situation.

Diplomatic: The People's Republic of China's rule of Tibet is based exclusively on its violent military annexation. Soon after Communists assumed power in China in 1949, they invaded Tibet, overwhelming the Tibetan army. In 1951, the CCP forced the Tibetan government under duress to submit to an agreement stating that Tibet had become a part of China.⁶ This clearly violates international law, in which the use or threat of force to procure agreements is a corollary of Article 2 (4) of the UN Charter. Article 52 of the Vienna Convention on the Law of Treaties further provides that "a treaty is void if its conclusion has been procured by the threat or use of force in violation of the principles of international law embodied in the Charter of the United Nations."⁷

Importantly, the United States also has long opposed the use of force by one country against the sovereignty of another as a manner of acquiring territory, and condemned violations of

⁴ Smith, Warren W, *Tibetan Nation: A History of Tibetan Nationalism and Sino-Tibetan Relations*, Boulder, CO: Westview Press, 1996.

⁵ C., Van Walt van Praag, Michael, *The Status of Tibet: History, Rights, and Prospects in International Law*, London: Wisdom, 1987.

⁶ Department of Information and International Relations, Central Tibetan Administration, *Facts about the 17-Point "Agreement" Between Tibet and China*, May 22, 2001, 114-117, <https://tibet.net/wp-content/uploads/2014/10/FACTS-ABOUT-17-POINT-AGREEMENT..pdf>.

⁷ C., Van Walt van Praag, Michael and Boltjes, Miek, *Tibet Brief 20/20*, Outskirts Press, 2020, 134.

international law, including the illegal occupation of one country by another.⁸ By this standard, the Communist party's assertions of rightful dominion can be seen as nothing other than a direct contravention of U.S. policy.

Further, the 17 Point Agreement itself included provisions promising that Tibet would enjoy autonomy and that its cultural identity would be respected.⁹ These promises, among others, were quickly broken, removing any remaining doubt regarding the Communist Parties commitment to diplomatic resolution and fair treatment of the Tibetan people.

Instead, between 1951 and 1959 the Chinese government dismantled the existing Tibetan political and religious systems, particularly in the areas outside of the TAR, and began its systematic assault on the foundations of Tibetan identity. Throughout the 1950s, China waged a brutal campaign targeting Tibetan resistance. Chinese soldiers slaughtered civilians, desecrated religious monuments, raped, and performed public executions.¹⁰

In a last-ditch effort, the Tibetan people engaged in a National Uprising in 1959 which the CCP suppressed, leading to His Holiness the Dalai Lama's flight to India, along with a stream of brutalized refugees.

In the face of this blatant annexation, in 1961, Malaya and Ireland, sponsors of the 1959 United Nations General Assembly Resolution 1353 on Tibet, were joined by El Salvador and Thailand in their request to include "The Question of Tibet" once again for consideration by the United Nations. Speaking before the General Assembly, Ireland's representative asked, "how many benches would be empty here in this hall if it had always been agreed that when a small nation or a small people fell into the grip of a major Power, no one could ever raise their case here; that once they were a subject nation, they must always remain a subject nation."¹¹

Tibet's case was bolstered by the ICJ's second report Tibet and the Chinese People's Republic. Upon examining Tibet's legal status, and violations of human rights there, the report concluded that "acts of genocide had been committed", and that "Tibet was at the very least a de facto independent State" before its annexation by the Chinese government in 1951. With the support of 56 member states, Resolution 1723 (XVI) was passed in the General Assembly on December 20.¹²

⁸ See, most recently, the occupation of Crimea: Lewis Sanders IV, "US 'condemns Russian occupation of Crimea,'" DW, March 17, 2017, <https://www.dw.com/en/us-condemns-russian-occupation-of-crimea/a-37979485>.

⁹ Department of Information and International Relations, Central Tibetan Administration, *Facts about the 17-Point "Agreement" Between Tibet and China*, May 22, 2001, 114-117, <https://tibet.net/wp-content/uploads/2014/10/FACTS-ABOUT-17-POINT-AGREEMENT..pdf>.

¹⁰ Li, Jianglin, *When the Iron Bird Flies: China's Secret War in Tibet*. Stanford, CA: Stanford University Press, 2022.

¹¹ "Tibet at the UN General Assembly," *International Campaign for Tibet*, accessed June 21, 2022, <https://savetibet.org/advocacy/united-nations/un-general-assembly-resolutions/>.

¹² General Assembly resolution 1723 (XVI), *Question of Tibet*, A/RES/1723 (December 20, 1961), <https://www.savetibet.eu/un-general-assembly-resolution-1723-xvi-of-1961/>.

Over the course of the ensuing five decades, the United States has joined with His Holiness the Dalai Lama, the CTA, other nations, and world leaders including the Vatican, former President Carter, Nelson Mandela, Archbishop Desmond Tutu, and Kofi Annan in continuously calling for a negotiated resolution to the ongoing conflict.¹³

By definition, a negotiation means a matter is unsettled, further establishing the PRC's lack of diplomatic legitimacy in any claim over Tibet until an agreement is reached with the Tibetan people's rightful representatives.

Popular: Tibetans resist Chinese occupation to this day, utilizing whatever means are available to express opposition to both Chinese rule and China's relentless agenda to demolish Tibetan identity.

Throughout the 1950s, Tibetans across Tibet defied Chinese orders and rose up in attempts to free their lands. After the chaos and destruction of the Mao era ended Tibetans repeatedly participated in national uprisings centered on the Jokhang Temple and the Barkhor area of Lhasa in the 1980s.

Facing a rising tide of repression in the 1990s and 2000s, Tibetans used every tactic from demonstrations to songs to writings in order to express their opposition to Chinese rule.

In 2008 a Tibetan National Uprising, the most significant expression of Tibetan national sentiment since the 1959 Tibetan Uprising, started in Lhasa and quickly spread to every corner of Tibet. Hundreds of demonstrations and protests occurred, with ordinary Tibetans waving the Tibetan flag and displaying portraits of the Dalai Lama through the streets in defiance of Chinese police.

The brutal repression of the 2008 Tibetan Uprising and the ensuing suppression of Tibetan religious and cultural practice contributed to a series of self-immolation protests over the years that followed. More than 150 Tibetans have set themselves on fire to date, a mixture of monks, nuns, and laypeople of all ages who have called for freedom, the respect of their human rights, and the return of the Dalai Lama.

¹³ "China on the defensive as 11 countries challenge its politics in Tibet," *International Campaign for Tibet*, October 22, 2013, <https://savetibet.org/china-on-the-defensive-as-11-countries-challenge-its-policies-in-tibet/>; Adrian Croft, "UK faults China on rights and urges Dalai Lama talks," *Reuters*, March 25, 2008, <https://www.reuters.com/article/uk-china-tibet-britain/uk-faults-china-on-rights-and-urges-dalai-lama-talks-idUKL2570622620080325>; Steven Lee Myers and Katrin Bennhold, "Europe and U.S. Press China Over Tibet," *The New York Times*, March 27, 2008, <https://www.nytimes.com/2008/03/27/world/europe/27europe.html>; Philip Pullella, "Pope breaks silence on Tibet, wants end to suffering," *Reuters*, March 19, 2008, <https://www.reuters.com/article/us-tibet-pope/pope-breaks-silence-on-tibet-wants-end-to-suffering-idUSL1990247220080319>; "Veteran leaders urge China to talk to Dalai Lama," *Reuters*, April 2, 2008, <https://www.reuters.com/article/idUSL02863025>.

Tibetans continue to find ways to resist. Solo protests, songs, articles, and advocacy carry on to this day, despite the brutal punishments that China dispenses on those who dissent.¹⁴ As Tibet Action Institute Senior Researcher Tenzin Dorjee told this Commission during a hearing on human rights in Tibet two years ago:

*"After all these years, the Chinese government has lost the battle for the hearts and minds of the Tibetan people. And its insecurity is making it increasingly bellicose. But the Tibetan people continue to resist with courage and patience. They know that freedom struggles take time. They also know that freedom often comes when it's least expected. Tibetans have never given up on their struggle for freedom, and neither should we."*¹⁵

Spoils of Occupation: Exploitation and Cultural Assault

It must never be forgotten that under the guise of Communist ideology Mao Zedong's annexation of Tibet was driven by military strategy and natural resource exploitation, as was its systematic plan to obliterate the Tibetan people's identity as a way to suppress resistance. Little has changed since other than methodology.¹⁶

Situated about 4,000 meters above sea level Tibet is a geographical region spanning 2.5 million square kilometers. Its location and scale provide a commanding position over the entire Himalayan region, a fact certainly not lost on the Communist Party. Formerly a natural buffer between India and China, the CCPs occupation allowed not only an immediate enhanced regional sphere of influence, but also set it on a trajectory toward the hegemonic control it continues to strive for. Within a few years of incursion, the Chinese government began a build-up of infrastructure intended to advance its dominion over Tibet, but also laid the foundation for strategic military operations along the previously inaccessible Indian borders.

Tibet also boasts a host of natural resources the Chinese lack, specifically, water, large tracts of forests, and mineral wealth. One of the most illustrative examples of the Communist party's transparent motivation for Tibet's invasion is water. China is water poor. In contrast, the Tibetan Plateau is the source of the region's major rivers, the healthy flow of which nearly 2 billion people rely on for food and economic development. In the ensuing decades, the PRC has erected numerous and massive damming projects, and proposed to continue along with water diversion projects. Once again, we see dual purposes at play. China's occupation of Tibet provides much needed resources to China, while also facilitating infrastructure development that allows it to literally control the tap for South and Southeast Asia, it should not be ignored

¹⁴ "Brave solo protests show Tibetans' remarkable courage and steadfast loyalty to the Dalai Lama," *International Campaign for Tibet*, October 11, 2018, <https://savetibet.org/brave-solo-protests-show-tibetans-remarkable-courage-and-steadfast-loyalty-to-the-dalai-lama/>; "Self-Immolation Fact Sheet," *International Campaign for Tibet*, last updated April 6, 2022, <https://savetibet.org/tibetan-self-immolations/>.

¹⁵ U.S. Congress, Congressional-Executive Commission on China, *The Human Rights Situation in Tibet and the International Response*, 116th Congress, 2nd session, September 30, 2020, <https://www.govinfo.gov/content/pkg/CHRG-116hhrg43840/html/CHRG-116hhrg43840.htm>.

¹⁶ International Campaign for Tibet, *60 Years of Chinese Misrule/Arguing Cultural Genocide in Tibet*, 2012, <https://savetibet.org/wp-content/uploads/2013/05/Cultural-Genocide-in-Tibet-single-pages-2-1.pdf>.

that control over water grants China literal and diplomatic might as well as infrastructure that in and of itself represents yet another potential military build-up along contested borders.¹⁷

Precious metals and minerals serve as another example of the CCPs motivations. Tibet's occupation "provides access to 126 different minerals". This includes copper, iron, uranium, zinc, gold, and lead. Increasingly relevant, Tibet also has large amounts of lithium, critical to powering modern technologies like cell phones, hybrid, and electric cars, and more.¹⁸

The Chinese government has shown no hesitation before plundering these natural resources without regard to environmental degradation or the devastating impacts on the Tibetan cultural of veneration for sentient beings and sacred landscapes¹⁹. In this way, the Chinese government's human rights abuses have gone hand in glove with a massive resource exploitation scheme that denies Tibetans access to their own resources and the self-determination of how they are used within the context of their own cultural identity and values.

As is often the case with persecuted peoples, resource exploitation on the Tibetan Plateau overlays the oppression of the Tibetan people who call it home. In parallel with its resource plunder—which diverts these resources outside Tibet, contrary to Chinese claims of fueling Tibetan economic growth—Tibetan culture and identity, so bound to its environment, continues to undergo a cultural genocide designed to supplant the Tibetan way of life and crush any resistance.

This is directly relevant to the critical question of Tibet's ultimate relationship with the Chinese government. Any statement—either explicit or tacit—that accepts the CCPs occupation of Tibet equates to an endorsement that "sovereignty" can be secured as a spoil of occupation just as much as a natural forest or a mine. Acceptance of this stance is dangerous and directly countermands both international and U.S. law.²⁰

The Middle Way: A Path Forward

In their efforts to safeguard Tibet's culture, religion, and language, the Dalai Lama and the Central Tibetan Administration, Tibet's government in exile, advocate for 'the Middle Way approach.' Instead of pursuing independence on the one hand or accepting China's authoritarian status quo on the other, under the Middle Way approach Tibet would remain within the framework the People's Republic of China, but Tibetans would possess meaningful

¹⁷ Chellaney, Brahma, *Water: Asia's New Battle Ground*; Georgetown University Press, 2011, see chapter 3

¹⁸ Ibid. pg. 116-117

¹⁹ International Campaign for Tibet, *China's Plunder of the Tibetan Plateau: Tool of Oppression*, Written testimony for the Congressional-Executive Commission on China Hearing China's Environmental Challenges and U.S. Responses, September 21, 2021.

²⁰ C., Van Walt van Praag, Michael and Boltjes, Miek, *Tibet Brief 20/20*, Outskirts Press, 2020.

autonomy over their own affairs. This approach is consistent with China's constitution, which allows for regional autonomy.²¹

The Middle Way approach also is consistent with the stated position of China's leadership; in 1979, then-Chinese leader Deng Xiaoping told the Dalai Lama that "except independence, all other issues can be resolved through negotiations."²² By rejecting the idea of zero-sum positions and embracing the idea that both the Chinese authorities and Tibet can safeguard their interests and gain from a negotiated solution, the Central Tibetan Administration is putting forward a reasonable and moderate compromise that has won the support of many around the globe.

Broken Promises: Refusing Negotiations

Instead of negotiating, the Chinese side has slandered the Dalai Lama, ridiculed other countries for supporting the Tibetans, and instituted ever more brutal methods of keeping Tibet under control.

After a decade of repeated contacts with the Tibetan side, including ten rounds of negotiations from 2000 to 2010, the Chinese side broke off the process and has not resumed direct contact with the Tibetans.

While Deng stated that the Tibet-China conflict could be resolved through negotiations, the actions of the current leadership of the PRC indicates that they do not feel a need to resume dialogue. Poison pill conditions, such as requiring the Dalai Lama to state that Tibet was historically a part of China – a statement that is categorically false – or that Taiwan should be a part of the PRC are designed to make it impossible for the Tibetan side to meet China's conditions without violating their principles or, indeed, their own negotiation position.

In parallel, the Chinese government has cracked down severely on Tibetans' religious freedom, freedom of expression, and other basic human rights. China's abuses in Tibet have reached such a magnitude that Freedom House recently declared Tibet tied for the least-free country on Earth.²³

The abuses are diverse and wide-ranging; they include the imprisonment of hundreds of prisoners of conscience, who are often subject to poor treatment and torture. Among them are monks and nuns who wrote about Tibet's history or called for freedom, a group of laypeople who celebrated the Dalai Lama's birthday in a small ceremony and received sentences of up to 14 years in prison, and a six-year-old child who was the youngest political prisoner when he was

²¹ "Memorandum on Genuine Autonomy for the Tibetan people," Central Tibetan Administration, accessed June 21, 2022, <https://tibet.net/important-issues/sino-tibetan-dialogue/memorandum-on-genuine-autonomy-for-the-tibetan-people/>.

²² "His Holiness's Middle Way Approach for Resolving the Issue of Tibet," His Holiness the 14th Dalai Lama, accessed June 21, 2022, <https://www.dalailama.com/messages/tibet/middle-way-approach>.

²³ "Freedom in the World 2021: Tibet," Freedom House, accessed June 21, 2022, <https://freedomhouse.org/country/tibet/freedom-world/2021>.

kidnapped in 1995. Still subject to an enforced disappearance to this day, that prisoner – the 11th Panchen Lama – is now one of the longest-held Tibetan political prisoners of all time.

Monasteries have been ransacked and subjected to constant abuses of religious freedom, while Tibetan-language schools have been forced to close. Religious gatherings and horse-racing festivals have been cancelled, Tibetan students are increasingly taught in Mandarin Chinese rather than their mother tongue, and nomads have been forced off the grassland and into poorly built housing with few prospects for finding a better way of life. Across Tibet, a campaign of Sinicization – or forced cultural assimilation – is being imposed on Tibetans, with armed Chinese police and bleak Chinese prisons awaiting those who resist.

A negotiated solution remains the best option for resolving the Tibet issue other countries must help press China to change course from its strategy of repression and confrontation to one of dialogue and compromise.

Chinese Propaganda: Facts Matter

The summary below articulates the historical record of past U.S. statement regarding Tibet's status, as well as the unfortunate contradictions that enable the Chinese government to cherry pick statements that serve its agenda of justification, embarrassing the United States, and coercion of other nations. In 1919, the American technical advisers to the Paris Peace Treaty included Tibet as a country, as did US Secretary of State Joseph C. Grew in 1944. In 1951, Acting Secretary of State James Webb stated that "Tibet is not considered a part of China [...] except to the extent that it is occupied by the Chinese Communist forces. In 1959, after China forced the Dalai Lama to flee Tibet and then dissolved the Tibetan government, a joint Congressional resolution lists Tibet as a country whose national independence has been impinged. Tibet is listed as a separate country from the PRC in an amendment to the Export-Import Bank Act of 1986. As well, the 1992 Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (P.L. 102-138) declare that Congress considers Tibet "an occupied country."

Unfortunately, contradictory messages also have been deployed. In 2003, the Chinese Ministry of Foreign Affairs website ran a state media article seeking to discredit the Dalai Lama and the dialogue process, noting that the United States "has recognized that the Tibet Autonomous Region is part of the People's Republic of China" and specifically citing statements by presidents Bill Clinton and George Bush saying that Tibet is a part of China. The 2004 State Department report on Sino-Tibetan negotiations produced per the requirements of the Tibetan Policy Act included the statement that the United States "recognizes the Tibet Autonomous Region (TAR) and Tibetan Autonomous prefectures and counties in other provinces to be a part of the People's Republic of China."

Illustrating the PRC's propaganda machines use of any opportunity to discredit Tibetan autonomy and [word] the United States on the international stage, spokesman Qin Gang demanded in 2005 that the United States honor its "repeated commitment that Tibet is a part

of China" by desisting from making calls for dialogue between China and the Tibetans. In yet another example, in 2014 Qin Gang portrayed President Obama's meeting with the Dalai Lama as a form of reneging on "America's commitment of recognizing Tibet to be a part of China," using this 'commitment' as the basis to demand that America cease supporting the Dalai Lama and the Central Tibetan Administration.

Further illustrating this vacillation, in 2021 the State Department Human Right Report on Tibet is published without referring to Tibet as a part of China. In 2021, a group of over 60 members of Congress wrote to Under Secretary of State Uzra Zeya noting this change and urging "the continued exclusion of this phrase from future reports and statements, both as a means to promote renewed negotiations between the Chinese government and the Dalai Lama or his representatives." Earlier in 2021 Sens. Patrick Leahy, D-Vt., and Marco Rubio, R-Fla., applauded the removal of this language, describing it as "gratuitous."

"We should not allow the CCP to define the terms of our interactions with them, or with the people living in the PRC, nor should we uncritically accept how the CCP characterizes the facts on the ground, past or present," the senators wrote at the time.

Confirming the solidifying Congressional stance regarding Tibet's status, the 2022 Omnibus Appropriations bill includes stipulations against the State Department producing maps or statements which portray Tibet as a part of China.²⁴

United States Leadership: Demanding Self-Determination

As articulated above, the People's Republic of China has yet to garner any legitimacy regarding its relationship with Tibet. It is undeniable that it currently exerts effective control on the ground. It is equally undeniable that this control is maintained only via brutality, surveillance, and isolation from the rest of the world. Validating this as legitimate flies in the face of the right to self-determination provided for in the international human rights covenants, the United States policies to oppose human rights violations wherever they occur, as well as the acquisition of territory by violent overthrow, and basic ethics.

The Chinese government knows this. It expends enormous resources pressuring and coercing other nations to accept its pervasive propaganda. Its reactivity to even the mildest forms of outreach to His Holiness by other national leaders, especially the United States, confirms a hypersensitivity that can only indicate an equally robust insecurity. At times this insecurity reaches an almost absurd degree. For example, a mere statement of protest by then Celtics player Enes Kanter motivated the PRC to block all broadcasts of the team.

However, this behavior is dangerous in its scale and pervasiveness. But it does present an opportunity.

²⁴ U.S. Congress, House, "Division K – Department of State, Foreign Operations, and Related Programs Appropriations Act, 2022," accessed June 21, 2022, <https://docs.house.gov/billssthisweek/20220307/BILLS-117RCP35-JES-DIVISION-K.pdf>.

Certainly, without a change in tactics, the PRC will continue to view the status quo as acceptable. It sees little pain or gain from entering negotiations. This dynamic must be changed such that the Chinese government perceives negotiations as a path forward to garnering what it so obviously covets—legitimacy in the eyes of the international community.

A first step toward rekindling dialogue is for the United States to reiterate that the Tibet-China conflict remains unresolved. The second is to overtly clarify that the only pathway to legitimacy is earning it, instead of capturing it as a spoil of occupation and subsequent occupation.

Achieving this goal will require a reorientation and tactical shift in how the Administration expresses its consistent call for negotiations that can provide greater leverage. Specifically, the Administration must recognize Tibet as occupied until the genuine, peaceful, and stable reconciliation it itself demands is met.

It must be reinforced that such a solidification of policy and strategy is fully consistent with the TPA and TPSA legal mandate to pursue negotiations. Afterall, it is difficult to justify employing the identical strategy for decades without results as full implantation. In contrast, launching a newly formulated approach would more meaningfully fulfill the mandate and stands a greater degree of success.

Lastly, such a shift also mirrors the comprehensive reevaluation of the United States' relationship with the People's Republic of China as it seeks to simultaneously neutralize global metastization of the Xi Jinping regime's authoritarianism while identifying areas of potential progress. Tibet is emblematic of that need and opportunity.

Recommendations

- Congress must pass legislation clarifying America's position on Tibet and stating that the United States views the conclusion of the Tibet-China conflict as unresolved, and that dialogue remains the only path to legitimacy for the Chinese government.
- The White House and the State Department must clarify that the United States will not consider Chinese control over Tibet to be legitimate until the Tibetan-Chinese government dialogue is successfully implemented.
- The United States must cease issuing statements and reports which refer to Tibet as a part of China rather than an occupied territory.
- Congress and the White House should work together to ensure that the provisions of the Tibetan Policy and Support Act and the Reciprocal Access to Tibet Act are fully implemented and proactively utilized to achieve the greatest possible impact on the situation in Tibet.
- U.S. agencies must actively counter People's Republic of China disinformation regarding Tibet's history, status as a people with a distinct nationality, culture, religion.

- The United States must work with like-minded countries to establish this framework on a broader scale as well in order to exert maximum leverage on the PRC.

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**The Genuine ‘China Version’ of
Tibet’s History: Tibet was NEVER
Part of China since Antiquity**

by
Hon-Shiang LAU, Ph.D.

56

РОССИЙСКАЯ АКАДЕМИЯ НАУК
ИНСТИТУТ ВОСТОКОВЕДЕНИЯ

Труды
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Выпуск составляют статьи, подготовленные по материалам одноименной международной конференции, организованной в дистанционном режиме 9–10 ноября 2020 г. Институт востокведения РАН. Статьи посвящены вопросам буддизма, его взаимодействию с образованием и наукой, вопросам буддологии, истории и культуры Тибета и некоторых других буддийских стран, социально-экономической и религиозной ситуации в Тибете, тибето-монгольским отношениям, а также исследованиям методами современных физических и биомедицинских наук ряда процессов, явлений и понятий, известных по буддийским трактатам. Книга будет полезна историкам, религиоведам, социологам и всем, кто интересуется буддизмом.

This is publication of papers prepared by presentations at the online international conference organized on November 9–10, 2020, by the Institute of Oriental Studies, Russian Academy of Sciences. The articles are devoted to different issues of Buddhism, its interaction with education and science, problems of Buddhology, history and culture of Tibet and some other Buddhist countries, social and economic situation there, Tibet – Mongolian relations, as well as studies in some processes, phenomena and conceptions, known from Buddhist treatises, by modern physical and biomedical sciences. The book will be useful for historians, researchers of religions, sociologists and all who are interested in Buddhism.

Конференция проведена при поддержке Фонда «Сохраним Тибет»

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**Подлинная «китайская версия»
истории Тибета:
с древних времен Тибет никогда
не был частью Китая**

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Аннотация. КНР после аннексии Тибета в 1950 г. должна настаивать на том, что «Тибет был частью Китая с древних времен», потому что Китай подписал пакты Лиги Наций и ООН, запрещающие завоевание новых земель после 1918 г. КНР настойчиво осуждает западные колониальные державы за их прошлые завоевания и «унижения», которые они причинили Китаю. КНР успешно убедила основные мировые державы, что китайские исторические записи указывают на то, что Тибет был частью Китая со времен династии Юань, и, следовательно, «объединение» КНР Тибета является «внутренним делом», в которое международное сообщество не должно вмешиваться. В моей книге «Тибет никогда не был частью Китая с древних времен» (на кит. яз.) использованы одобренные КНР китайские исторические записи, которые показывают, что, вопреки утверждениям КНР, Тибет никогда не был частью Китая до 1950 г. Таким образом, аннексия КНР Тибета в 1950 г. была военным завоеванием чужой страны, что является правонарушением, совершенным постоянным членом Совета Безопасности ООН, что, в свою очередь, делает обязательным международное вмешательство. Моя работа также демонстрирует, как КНР фальсифицирует и искажает официальные исторические записи Китая. В данной статье представлен небольшой образец упомянутого материала. Мое исследование основано на двух руководящих принципах. Руководящий принцип 1 («GP1»): надлежащие объективные критерии «суверените-

та» используются для того, чтобы судить, был ли Тибет частью Китая. Первый критерий – это «самопровозглашение», то есть заявляли ли прошлые китайские режимы, что Тибет находился под властью Китая? Другие критерии суверенитета касаются того, осуществлял ли Китай реальную власть над Тибетом, например, проводил ли Китай перепись, собирал налоги или вводил ли китайские законы; защитил ли Китай Тибет от иностранных вторжений? Руководящий принцип 2 («GP2»): мы используем только записи, которые являются бесспорно заслуживающими доверия с точки зрения Китая, то есть, они были: (а), составленный китайскими официальными лицами или гражданами, (б) публично опубликованы до 1949 г. и (в) перепечатаны / переизданы в КНР после 1949 г. Во-первых, в соответствии с критерием «самопровозглашения» мы показываем, что для династии Мин (1368–1644) все около сотни географических указаний до 1911 г. ясно указывают на то, что Тибет не был частью минского Китая, но был иностранным государством. Что касается династии Цин (1644–1911), мы показываем, что большинство географических указаний до 1911 г. ясно указывают на то, что Тибет был независимым иностранным государством; тем не менее, меньшая часть этих ссылок содержит внутренне противоречивые указания на то, был ли Тибет частью империи Цин. Тем не менее, ни одна авторитетная географическая справка до 1911 г. не содержит последовательных указаний на то, что империя Цин правила Тибетом. Для эпохи Цин, ввиду не слишком убедительных доказательств «самопровозглашения», рассматриваются другие критерии суверенитета. Последняя часть моей статьи показывает, что: (а) империя Цин никогда не могла проводить перепись или собирать налоги в Тибете, она также не признавала тибетцев подданными Цин. Более того, КНР пришлось неуклюже подделать данные о тибетском населении цинской эпохи, чтобы сфабриковать фасад суверенитета над Тибетом; (б) цинский режим открыто признавал, что у него нет правящей власти в Тибете, но он намеревался использовать Тибет как колонию в будущем. Он также с энтузиазмом аплодировал британским силам вторжения 1904 года за их резню тибетцев в Гуру, Тибет. Все материалы, использованные в этой статье, были опубликованы на китайском языке в моей книге 西藏自古以来就不是中国的一部分 («Тибет никогда не был частью Китая с древних времен»), которую можно бесплатно загрузить с сайта www.tibet.org.tw/doc/no_china.pdf.

Ключевые слова: КНР, Тибет, династия Юань, суверенитет, «самопровозглашение», перепись, колония, империя Цин, империя Мин

The genuine «China version» of Tibet's history: Tibet was never part of China since antiquity

Hon-Shiang Lau

Abstract. The People's Republic of China (PRC), after it annexed Tibet in 1950, must insist that 'Tibet has been part of China since antiquity' because China is a signatory of League of Nations and United Nations covenants prohibiting conquest of new lands after 1918, and the PRC persistently condemns Western colonial powers for their past conquests and the 'humiliation' they inflicted upon China. The PRC has successfully convinced the major world powers that Chinese historical records indicate that Tibet was part of China since the Yuan Dynasty, and hence PRC's 'unification' of Tibet is an 'internal matter' with which the international community must not interfere. My book 'Tibet was Never Part of China since Antiquity' (in Chinese) uses PRC-approved Chinese historical records to prove that, contrary to PRC's claim, Tibet was never part of China until 1950. Thus, PRC's 1950 annexation of Tibet was a military conquest of a foreign country, an offence committed by a permanent member of the UN Security Council that obligates international intervention. My work also demonstrates how the PRC falsifies and distorts China's official historical records. This paper presents a small sample of the above-mentioned material.

My research is based on two guiding principles:

Guiding Principle 1 ('GP1'): Proper objective 'sovereignty' criteria are used to judge whether Tibet was part of China. The first criterion is 'self-declaration,' i.e., did past Chinese regimes state that Tibet was under China's rule? Other sovereignty criteria relate to whether China has exercised real governing power over Tibet; e.g.: did China conduct census, collect taxes, or impose Chinese laws; did China defend Tibet against foreign invasions?

Guiding Principle 2 ('GP2'): We only use records that are indisputably credible from China's perspective, i.e., they were: (i) compiled by Chinese officials or nationals, (ii) publicly published before 1949, and (iii) reprinted/republished by the PRC after 1949.

First, under the 'self-declaration' criterion, we show that, for the Ming Dynasty (1368–1644), all of the near-hundred pre-1911 geographic references clearly indicate that Tibet was not part of the Ming China but was a foreign country. For the Qing Dynasty (1644–1911), we show that most of the pre-1911 geographic references clearly indicate that Tibet was an independent foreign country; nevertheless, a minority of these references presents internally-contradicting indications as to whether Tibet was part of the Qing Empire.

However, no pre-1911 authoritative geographic reference presents consistent indications that Tibet was ruled by the Qing Empire. For the Qing era, in view of the less-than-overwhelming 'self-declaration' evidence, other sovereignty criteria are considered. Thus, the latter part of this paper shows that: (A) The Qing Empire was never able to conduct census or collect tax in Tibet, it also did not recognize Tibetans as Qing subjects. Moreover, the PRC had to clumsily forge Qing-era Tibetan population figures in order to fabricate a facade of sovereignty over Tibet. (B) The Qing regime openly admitted that it had no ruling power in Tibet but it aimed to exploit Tibet as a colony in future. It also enthusiastically applauded the 1904 British invasion force for their massacre of the Tibetans in Guru, Tibet.

All material used in this paper has been published in Chinese in 'my book' 西藏自古以来就不是中国的一部分 (Tibet was Never Part of China since Antiquity), which can be downloaded free of charge from www.tibet.org.tw/doc/no_china.pdf.

Key Words: PRC, Tibet, sovereignty, self-declaration, census, colony, Qing Empire, Ming Empire

LEGEND

- [*Translated text from Chinese original is shown in this font* [translator's note is shown in this font enclosed in a pair of square brackets]] .

- Translated Chinese book titles are shown, italicized and underlined, as *Translated Chinese Book Title* 中文书名.

- Translated Chinese chapter/article titles are shown, enclosed by '<...>', as <Translated Title of Chinese Chapter/Article 中文文章题目>.

§ 1. Introduction

§ 1.1. Overview

The remainder of this section (i.e., § 1) explains why our topic is important and the two 'Guiding Principles' of our research. § 2 shows that under the 'self-declaration' criterion, China's pre-1949 authoritative documents clearly and universally indicate that Tibet was not part of Ming-era China. § 3 shows that, while the majority

of China's pre-1949 authoritative documents clearly indicate that Tibet was not part of Qing-era China, some of them present internally-contradicting indications as to whether Tibet was part of China. Therefore, in § 4 to § 8 we present evidence pertaining to other sovereignty criteria to evaluate China's claim of Qing's sovereignty over Tibet; examples of these sovereignty criteria are: was the Qing Empire able to: (i) collect tax in Tibet; (ii) conduct census or obtain population data on Tibet; (ii) defend Tibet against foreign invaders.

§ 1.2. Why Is It Important to Determine Whether Tibet Was Part of China Historically?

The People's Republic of China (PRC) insists that 'Tibet has been part of China since antiquity 西藏自古以来就是中国的一部分.' The Central Tibet Administration (CTA) refuses to accede to this claim, and this refusal by the CTA is used by the PRC as:

1. A prima facie proof of CTA's betrayal to her motherland (i. e. China), and
2. Justification for not negotiating with the CTA or the Dalai Lama.

The following extract exemplifies PRC's position and tone in its narratives to the Chinese people (PRC governmental website www.china.com.cn/news/2008-11/10/content_16740162.htm):

[The Vice Minister of United Front stated in the National Press Conference: "The fundamental political basis for contact and negotiation [with the Tibetans] is recognizing that Tibet has been an inseparable part of China since antiquity. ...

The Dalai Lama faction repeatedly refuses to admit that Tibet has been an inseparable part of China since antiquity. From 2002 to the most recent meeting, we have conferred

with Dalai's personal representatives 9 times, each time they have indicated that they do not agree that 'Tibet has been part of China since antiquity.' ”]

A natural question for a Chinese is: why must the Dalai Lama be so stubborn and deny the truth? However, a reverse question is: why must the PRC be so insistent on this historical issue? The answer is: it enables the PRC to claim that Tibet was being ‘unified’ (in 1950 and 1959) and not ‘invaded/occupied’. China is a signatory to:

- the 1918 League of Nations Covenants, and
- the 1945 United Nations Charter;

both documents prohibit post-1918 territorial acquisitions via conquest. Moreover, the PRC:

- constantly paints a sorry picture of China being a victim of Japan and the Western colonial powers;
- angrily condemns these western powers for their conquests in the 19th /20th-century; and
- is a permanent member of the UN Security Council.

Therefore, in order to maintain respectability, the PRC cannot admit that her annexation of Tibet in 1950 was a new conquest, but must legitimize it as a ‘unification’ of an old territory. Many patriotic Chinese are unaware of this, and often contradict the PRC by privately arguing thus: ‘throughout history everybody conquers others, and we conquered Tibet fair and square in 1950’.

One main reason why countries like the USA, United Kingdom and Germany have been unwilling to provide more support to the Tibetans’ cause is that they incorrectly believe PRC’s claim (i.e., Tibet was already part of China ‘for a long time’ before 1950); therefore it is inappropriate for other countries to interfere with China’s internal matters.

Initially, the PRC declared that the ‘Part of China since Antiquity’ (hereafter ‘POCSA’) claim means that Tibet became part of China since the Tang Dynasty (~700 AD). It later realized that this claim is too untenable. PRC’s most recent officially revised claim (see, e. g., <White Paper, PRC 1992>) is that Tibet was unified into the Yuan Chinese Empire around 1250 (before the Yuan dynasty was formally established throughout China in 1279), and has since continually remained as part of China. Therefore, my research is to address the following questions:

‘Questions’ (‘Q’):

Was Tibet Part of China During the: (Q1) Yuan Dynasty (1279–1368), (Q2) Ming Dynasty (1368–1644), (Q3) Qing Dynasty (1644–1911), (Q4) Republic of China era (1911–1949)?

The objectives of this short paper are:

- 1) to present some of the evidence given in my Chinese book for (Q2) and (Q3), and
- 2) to demonstrate how the PRC falsifies and distorts China’s authoritative historical records. For the purpose of this paper, the term ‘Tibet’ roughly corresponds to today’s ‘Tibet Autonomous Region’ (TAR); i. e., I avoid the more murky issues about ethnic-Tibetan polities in today’s Qinghai, Sichuan, Gansu, etc.

§ 1.3. Two Major Guiding Principles of My Research

§ 1.3.1. Guiding Principle 1 (hereafter ‘GP1’): Using Proper Criteria for Judging a ‘Sovereignty’ Claim

Suppose you wonder whether I am a Canadian. How do you ascertain the truth? A reasonable first step is to simply ask me. If I say ‘No, I am American,’ this ‘self-declaration’ gives you the truth in many cases. However, if you have reasons to doubt me and want proofs, the easiest and most conclusive way is for

me to show my current American passport. An American birth certificate or Naturalization Certificate are also somewhat credible but less conclusive. However, if I use an American college diploma or a photograph I have with the American president, then this not only is an unacceptable proof of American nationality, but is also a strong indication that I am lying. You would become more certain that I am a con artist if I say something like: “USA has a special arrangement allowing Asians to prove American nationality with a college diploma”. The above discourse assumes that the documents are ‘authentic’; i. e., although a passport is a valid proof/criterion for citizenship, but if the passport is a forgery, it nullifies the proof. Thus, a ‘proof’ must satisfy two conditions: Validity (a passport is but a diploma is not a valid criterion/indicator of nationality) and Authenticity (it should not be a forgery).

Although judging the POCSA claim is much more complicated, the same GPI can be used. First, we can see whether Chinese governments in the past dynasties have claimed Tibet as part of China (i. e., self-declaration). If we have reasons to doubt the truthfulness of these claims, we then look at various common-sense proofs (criteria), such as (not an exhaustive list):

- Did China conduct census and prepare/acquire tax rolls in Tibet? Was China able to collect taxes or exercise fiscal authority in Tibet?
- Did China recognize Tibetans as Chinese subjects?
- Was the official language(s) of the Chinese central government used in Tibet’s local administration or taught in Tibet’s schools?
- Were Tibetans allowed to take the Chinese National Civil Service Examination? Were Tibetans appointed as officials in the Chinese government?
- Were China’s currency/coinage/postage stamps used in Tibet?

- Was China able to appoint/dismiss/summon officials in Tibet?
- Did China impose her legal codes and court system in Tibet?
- Was China able to draft soldiers in Tibet? Did Tibetans serve in Chinese military forces? Was China able to command/control Tibet's armies?
- Are there credible records of military conquest(s) of Tibet during that dynasty?
- Did China defend Tibet against foreign invasions?

Satisfying or not satisfying any one of these 'Part of China' criteria (hereafter called 'POC criteria') does not conclusively verify or refute the POCSA claim; however, if none of these criteria is satisfied, it does mean that Tibet was not part of China. Thus, in order to meaningfully evaluate PRC's POCSA claim, we need to examine how each of these POC criteria is satisfied in each of the four relevant Chinese dynasties/era, i. e., Yuan, Ming, Qing and ROC.

§ 1.3.2. Guiding Principle 2 (hereafter 'GP2'): Using only 'Valid, Authentic and Credible' (by PRC's Standards) Chinese Documents

China is one of the few civilizations with a continual millennia-old tradition of using the same language (i. e., 'Han Chinese' or 汉语) to keep voluminous 'standard' official records. Many of these records are 'Imperially Commissioned' ('IC'). Examples are:

1. 'Veritable Records 实录.' After the death of each emperor, his successor convenes a panel of scholars/officials to compile a detailed set of annals for the deceased emperor's reign.
2. 'Official Histories 正史.' After the demise of each dynasty, the government of a succeeding dynasty convenes a panel of senior scholars/officials to compile a comprehensive 'History'

of the preceding dynasty based on the Veritable Records and other archival material. The Official Histories for the Ming and the Qing dynasties are, respectively, *Ming History* 明史 (compiled by the Qing regime) and the *Qing History Draft* 清史稿 (compiled by the ROC regime, hereafter *QHD*).

3. Similar to the ‘Veritable Records’ and ‘Official Histories,’ China has a centuries-old tradition of compiling massive ‘Comprehensive References 会典/会要’ recording a wide range of governmental topics.

4. Geographic Documents. Among them, the most important are the ‘Unification Records 一统志,’ which are I.C. comprehensive catalogues of contemporaneous territories.

Also, there are numerous history and historical geography books recognized by Chinese historians as authoritative, as well as compendia of Imperial-Court proceedings such as the *DongHua Records* 东华录/东华续录 (containing submissions by senior officials, imperial edicts and responses). Therefore, regarding the major issue of whether the huge region of Tibet was part of China, not only is there no need to look at ‘newly discovered’ or ‘secret/confidential’ documents, but any attempt to rely on restricted-access documents/artifacts should be viewed with suspicion.

To give the maximum benefit of the doubt to the PRC’s position, this paper uses only documents that satisfy the following conditions:

1. Written by Chinese nationals and published contemporaneously in China.

2. It has been republished/reprinted by the PRC (implying PRC’s approval).

Furthermore, the overwhelming majority of these documents are accessible via the internet from databases developed/managed/

sponsored by the PRC, two of the most well-known databases are *Basic Classics* 基本古籍 and *Duxiu* 读秀. Also, because Wikipedia is blocked in the PRC, its government offers *Baidu* 百度 as an alternative to the populace; this paper refers to *Baidu*'s articles for non-controversial mundane background material.

Thus, this paper ignores all non-Chinese documents and only considers how PRC-approved pre-1949 Chinese documents depict China-Tibet relationships.

§ 2. Was Tibet Part of the Ming Empire (1368–1644) Under the 'Self Declaration' Criterion?

§ 2.1. The PRC's Version

The most authoritative PRC publication on historical geography is the *Historical Atlas of China* 中国历史地图集 (in 8 volumes, hereafter '*HAC*'). Its compilation was proposed by Mao Zedong and commissioned by the PRC's Academy of Social Sciences. See *Baidu* for detailed information on *HAC*.

Figure 1 is a reproduction of the <Ming Era Comprehensive Map #1 明时期全图(一)> from *HAC* (Vol.7, p. 40–41). In this map the regions which the PRC proclaims as 'part of China' have a colored background, while the 'foreign' regions have a white background. In the black-and-white version presented in this study, the original coloring is given in framed lettering in this figure. Among the regions with a colored background, the continuum shown in yellow background encompasses 'inner China' as well as Tibet and 'Manchuria' (i.e., 女真/女直 Nüzhen, or the northeastern part of today's China). Mongolia (both Inner and Outer) and Xinjiang are shown with, respectively, a purple and a green background. This presentation reflects the following positions of the PRC:

- The regions of Mongolia and Xinjiang are part of China, but they were not part of the Ming Empire. Therefore, although they warrant a colored background, their background colors are different from the yellow background color used for the Ming Empire.

- In contrast, Tibet and Manchuria (Nüzhen) were already part of the Ming Empire at that time.

HAC provides no bibliographic support for the above-stated position of the Ming Empire's relationship with Tibet, Manchuria, Mongolia and Xinjiang.

§ 2.2. Qing-Empire's Position, as Reflected in the Official History *Ming History* 明史 Compiled by the Qing Regime

As explained in § 1.3, the official history *Ming History* 明史 (Zhang Ting-yu ed.) was imperially-commissioned by the Qing regime, which succeeded the Ming Dynasty. See *Baidu* for detailed information on *Ming History*.

Structure of the Ming History as Reflected in its Table of Contents

Ming History consists of 332 'scrolls/volumes' 卷; its structure is depicted in Table-1. This structure conforms to a pattern that was established roughly two millennia earlier and thereafter closely adhered to by practically every one of China's other 23 'Official Histories' that preceded it. Two of the features of this structure, which are particularly relevant to our discussion, are discussed below.

Подлинная «китайская версия» истории Тибета:
с древних времен Тибет никогда не был частью Китая

Table 1
The Structure of ‘*Ming History*’

Row #	Scroll #	Contents of the Scrolls
1	1–39	Annals of main historical events. Astronomic & other natural observations, etc.
2	40–46, (<i>>160,000 words, >300 pages</i>)	‘Geography 1’ to ‘Geography 7’. The regions included are : Beijing, Nanjing, and the 13 provinces), namely: Shandong, Shanxi, Henan, Shaanxi, Sichuan, HuGuang, Jiangxi, Zhejiang, Fujian, Guangdong, Guangxi, Yunnan, Guizhou (this is how ‘Chinese territories’ are recorded!). ‘Geography 7 – Yunnan’ includes Burma (Myanmar), Laos and BaBai (today’s Northern Thailand’s ChingMai area). <u>Nothing about Tibet is included.</u>
3	47–309	Other ‘China’ matters
4	310–319	‘TuSi 土司’ (Ethnic Rulers) in the provinces of HuGuang, Sichuan, Yunnan, Guizhou, Guangxi. Scrolls 313–315 ‘TuSi in Yunnan’ include Burma, Laos and Northern Thailand.
5	320–328	‘Foreign Countries 1 to 9外国’; among the 70+ countries included are (in order of appearance): Korea, Vietnam, Japan, Ryukyu, Luzon, ... Holland,... Italy.
6	329–332	‘Western Lands 1 to 4西域’. Tibetan entities in Scroll 331 ‘Western Lands 3’ (see Table 2)

Feature 1 of the Structure of *Ming History*

Following the tradition established by the 2nd component of China’s ‘Official Histories’ (i.e., *Book of Han* 汉书), 16 of the subsequent 23 components of these ‘Histories’ contain, in an

early portion of the book, a ‘Geography’ segment covering all of China’s territories (the 7 subsequent components of ‘Official Histories’ without such a segment are those covering short-lived and/or minor polities with unstable territories). Some basic data provided in this segment are as follows:

A: Hierarchical catalogue of the various levels of territorial entities (including all prefectures under each province, all counties under each prefecture, etc.);

B: Historical background of imperial China’s authority over each of these territorial entities;

C: Population figures for the major territorial entities.

The above structure represents a convention dating back more than two millennia for showing how a ‘Chinese territory’ would have been proclaimed and recognized officially.

Row 2 in the Table 1 shows that the ‘Geography’ segment of *Ming History* is found in Scrolls 40–46 out of the total span of 332 scrolls. As was the case with its predecessors, the *Ming History*’s ‘Geography’ segment provides the above-mentioned A, B and C types of information for each of the Ming Empire’s 15 Level-1 administrative regions. No part of today’s TAR is included in this segment. On the other hand, <Scroll 46, Geography 7> explicitly proclaims that Burma, Laos and Babai 八百大甸 (today’s northern Thailand’s Chiangmai region) were under the jurisdiction of Yunnan province 云南布政司.

Feature 2 of the Structure of *Ming History*

In each Official History, ‘peripheral’ material about polities that interacted with China but were not directly governed by China are relegated to the end of the work, after all other topics considered to be internal to China were first dealt with. For the *Ming History*, Rows 4 to 6 in the Table 1 show that Scrolls 310–332 contain

these ‘peripheral’ material, which fall into three groups: (A) TuSi 土司 (local ethnic rulers or chieftains over which China claims suzerainty), (B) Foreign Countries 外国, and (C) Western Lands 西域. Some pertinent features of these three groups are given below.

Table 2
Group A. Polities Covered in the ‘TuSi 土司’ Portion of
‘*Ming History*’

Scroll #	Title of Scroll
310	TuSi in HuGuang Province
311–312	TuSi in Sichuan Province
313	TuSi in Yunnan Province 1
314	TuSi in Yunnan Province 2
315	TuSi in Yunnan Province 3. Entities include Burma, Laos and BaBai
316	TuSi in Guizhou Province
317–319	TuSi in Guangxi Province

Group A: TuSi (土司)

Row 4 in the Table 1 shows that the first 10 scrolls (Scrolls 310–319) of this segment of *Ming History* are devoted to the TuSis. Table 2 provides more information about these 10 scrolls. It shows that Burma, Laos and Babai which first appeared in <Scroll 46, Geography 7> (see Table 1) are now listed again in Scroll 315 as TuSis in Yunnan Province. Figure 2 is a facsimile of relevant pages in the ‘Table of Contents’ of the ‘*SiKuQuanShu* 四库全书’ edition of Ming History for Scroll 315; the Chinese characters for Burma, Laos and Babai 八百大甸 are circled. I.e., these polities are categorized in the

same group as many other TuSis in provinces such as HuGuang and Guizhou which were clearly parts of China proper. This ‘double-listing’ illustrates that *Ming History* recognized and duly recorded the Ming Empire’s ‘marginal sovereignty/suzerainty’ over Burma, Laos and Babai. As mentioned earlier, TAR regions were not included in the ‘Geography’ segment of the *Ming History*. Now it can be seen from Table 2 that the TAR regions were not included even in the group of polities governed by ethnic rulers over which the Ming Empire had only marginal sovereignty/suzerainty.

Group B: Foreign Countries 外国

Row 5 in the Table 1 shows that Scrolls 320–328 are devoted to ‘Foreign Countries 外国’ such as Korea and Italy.

Table 3
Polities Described in Scroll 331 <Western Lands 3>
of ‘*Ming History*’

Polity #	Name of Polities
1	WuSiZang ‘Grand Precious Religious King 乌思藏 大宝法王’
2 to 8	2 other Tibetan-region ‘Religious Kings’ (法王) and 5 additional ‘Spiritual Kings 王’.
9	<i>Western Heaven A-Nan Virtuous ‘Nation’</i> (西天阿难功德国) (??)
10	Nepal
11	‘DuoGan WuSiZang’ (朵甘乌思藏) Office of the Commander 行都指挥使司

Подлинная «китайская версия» истории Тибета:
с древних времен Тибет никогда не был частью Китая

Polity #	Name of Polities
12	‘ChangHeXi-YuTong-NingYuan’ (长河西鱼通宁远) District Office 宣慰司
13	‘DongPuHanHu’ (董卜韩胡) District Office 宣慰司

Group C: Western Lands 西域

Row 6 in the Table 1 shows that Scrolls 329–332, the last 4 scrolls of the entire *Ming History*, are devoted to ‘Western Lands 西域’. Within these 4 scrolls is <Scroll 331, Western Lands Part 3>, and the 13 polities covered in Scroll 331 are listed in Table 3 (Figure 3 is a facsimile of relevant pages in the ‘Table of Contents’ of the ‘*SiKuQuanShu* 四库全书’ edition of *Ming History* for Scroll 331). Table 3 shows that Polities #1 to #8 and Polities #11 to #13 are the (purportedly major) Tibetan polities recognized by the Ming Empire. Besides Nepal (polity #10 in Table 3), the other polity categorized with these Tibetan polities in Scroll 331 is the ‘Western Heaven A-Nan Virtuous Nation 西天阿难功德国’, hereafter ‘WHAVN’, see Polity #9 in Table 3. All Ming- and Qing-dynasty governmental and non-governmental geography references that mention ‘WHAVN’ indicate that China had/has no idea where this country was/is. In 1396, an envoy claiming to be from the polity called WHAVN came to ‘submit tribute’ to and left with presents from Emperor TaiZu/HongWu (the first Ming emperor); they were never heard from again; see, e. g., text on ‘WHAVN’ in *Ming History*’s Scroll 331. Later, it is generally recognized that no such country existed, and the ‘envoy’ was probably a foreign monk pretending to represent a country in order to obtain the valuable gifts Chinese emperors customarily

bestowed upon ‘tribute submitting’ foreign envoys; see, e. g., the ‘WHAVN’ entry in <Scroll 30, Foreign Countries> of Shen DeFu’s *Unofficial Notes from WanLi Era* 万历野获编 (~1606 A.D.). The Tibetan polities’ inclusion with WHAVN in Scroll 331 further reflects their foreignness and irrelevance to the Ming Empire.

Assessing the nature of Ming Empire’s ‘sovereignty’ over Tibet as reflected in the *Ming History*’s Table of Contents

The PRC’s major argument for Ming’s sovereignty over Tibet is that the *Ming History* records numerous official titles conferred on Tibetans in various regions of Tibet (see, e. g., the titles of ‘King’ and ‘Office of the Commander’ for polities #1 to #8 and #11 in Table 3). The argument that this title conferment implied sovereignty is very important for the PRC’s claims over Tibet. However, it must be noted that Ming and Qing official documents also record that the Ming emperors conferred titles on the rulers of dozens of other countries, including the kings of France (see *Great Qing Unification Record • JiaQing* 大清一统志 • 嘉庆, <Scroll 560, Tributary Countries 朝贡各国>) and Japan (see *Ming History*, <Scroll 322, Foreign Countries Part 3, Japan>; China Press 1974 ed., p. 8345). Thus, if one is told about the title conferment, but is unaware of other relevant information (summarized here in Tables 1 to 3) and the solemn conventions governing the compilation of the Official Histories, one can be misled to an incorrect understanding.

The points made above with respect to the *Ming History* can be summarized as follows:

- No part of the TAR is mentioned in the *Ming History*’s ‘China Geography’ segment (see Table 1). Burma, Laos and northern Thailand are explicitly mentioned.

- Among the three groups of polities dealt with at the end of the work, the *Ming History* again presents Burma, Laos and northern Thailand as being Yunnan's TuSi's in Group A, but there is no mention of any TAR polity in this group (see Table 2).

- TAR polities are mentioned in 'Group C, Western Lands' (in its Part 3), positioned after Group B (which covers more than 100 polities explicitly labeled 'Foreign Countries'). Other polities in Part 3 of Group C include Nepal and WHAVN. Incidentally, Part 4 of Group C includes regions in today's Central Asia and Saudi Arabia.

Noting the importance of 'ranking' and 'positioning' in Chinese culture and protocol, the placement of Tibetan polities in 'Scroll #331/Part 3 of Group C' clearly shows that the *Ming History* did not consider Tibetan polities as part of China. Moreover, by explicitly listing the Ming-conferred titles in Part 3 of Group C (see Table 3), the *Ming History* indicates that the conferment of these honorific titles did not imply exercising control or sovereignty/suzerainty over the titled rulers or territories.

§ 2.3. Ming Empire's Position, as *Reflected in the Great Ming Unification Record* 大明一统志

Baidu provides detailed information about the IC *Great Ming Unification Record* (hereafter *GMUR*). Table-4 presents the structure of the 1st edition (1461 A.D.) of *GMUR*.

Table 4
Structure of the ‘Great Ming Unification Record’

Scroll #	Entities Covered by these Scrolls
1	National Capital Cities, ShunTian Prefecture
32 – 37	ShaanXi Province 陝西布政司 : XiAn Prefecture I 西安府上... HeZhou Military Office 河州衛 軍民指揮使司; etc.
86 – 87	Yunnan Province 雲南布政司 : various prefectures/counties etc. ... Burma District Office, 緬甸軍民宣慰使司; BaBaiDaDian (Northern Thailand) District Office 八百大甸軍民宣慰使司; Laos District Office 老撾軍民宣慰使司...
88	Guizhou Province 貴州布政司 (Note: no ‘TuSi’ scroll between this and the next segment)
89	Foreign Aliens 外夷 : Korea, Manchuria 女直, Japan, Ryukyu, XiFan (Tibet) 西蕃 ^{#5} etc. (16 entities listed)
90	Foreign Aliens <i>contn</i> 續‘外夷’ : Vietnam, Siam, Java, Mecca, Medina, etc. (41 entities listed) (16+41 = total 57 ‘foreign-alien entities’)

Two points are notable in Table 4:

1. Out of the 90 Scrolls in the entire book, the first 88 Scrolls are devoted to China’s territories. Within them, Scrolls 86–87 cover Yunnan Province, within which Scroll 87 records Burma, BaBaiDaDian (i. e., northern Thailand) and Laos as part of Yunnan Province; i. e., they were considered as ‘regular’ territories of the Ming just like Beijing or Fujian Province, demonstrating the Ming Empire’s very inclusive attitude in declaring whether a certain region was ‘part of China’. Figure 4 presents the image of relevant pages from GMUR’s Table of Contents showing the listing of Burma, BaBai and Laos under Yunnan Province.

2. However, ‘Tibet 西蕃’ is relegated to the ‘Foreign Aliens 外夷’ segment (Scrolls 89 & 90) at the end of the book, together with such polities as Japan and the Arabian Mecca and Medina. Figure 5 presents the image of the relevant pages from *GMUR*’s Table of Contents showing this listing.

**The <Great Ming Unification Map> (hereafter <GMUM>)
of the *GMUR***

The <Preface to the Great Ming Unification Map> (hereafter <GMUM Preface>) and the <Great Ming Unification Map 大明一统之图> (<GMUM>) are in the *GMUR* after its Table of Contents. Emperor YingZong is shown as the author of the <GMUM Preface>, from which the following is extracted.

Extract 1.

「... *Our territory is truly vast; eastward it reaches the end of Liao, westward it reaches the sand dunes 西极流沙. Lands in all directions, without exception, come to our court to pay their respect.*

As for governing within our national boundaries, there are the capital cities... the Chinese world 天下 is divided into 13 provinces, namely: Shanxi, Shandong, Henan, Shaanxi, Zhejiang, Jiangxi, HuGuang, Sichuan, Fujian, Guangdong, Guangxi, Yunnan, and Guizhou. ...

Also recorded are the aliens from all directions to whom we confer official titles and who submit to our subordination protocol.」

Analysis of Extract 1.

1. In Ming Dynasty geography texts, the ‘sand dunes 流沙’ means the sand dunes in today’s Gansu–Xinjiang border area, whose longitude is about the same as the eastern boundary of today’s TAR. Thus, the phrase 「*westward it reaches the sand*

dunes] in Extract 1 means that the longitude of the Ming Empire's western extreme is about the same as the longitude of TAR's eastern boundary; i.e., the Ming Emperor declared that Tibet was not within the Ming Empire.

2. Emperor YingZong also clearly declared that China's realm that was actually governed by China consisted of only the two capital cities and the 13 provinces explicitly listed in the above extract. The last sentence of Extract 1 also explicitly clarifies that the many polities [*from all directions to whom we confer official titles*] are [*aliens*] .

In the *GMUR*, after the <GMUM Preface> is the <GMUM> map, which is presented here as Figure 6. In this map, the Ming government used labels of 'framed white text on black background' for places within China (e.g., Capital City, Guangdong Province, etc.). Foreign countries beyond the eastern national border such as Japan and Korea are labeled with 'unframed black text on white background'. The labels 'Tibet 西蕃' and 'Western Lands 西域' on <GMUM> beyond China's western border are also in 'unframed black text on white background', just like Japan. Incidentally, in old Chinese texts the term 'Western Lands 西域' loosely refers to a very wide range of 'Lands on the West', including Persia or even the Roman Empire.

Review: Implications and Significance of Material in the Great Ming Unification Record

- The *GMUR* conforms to a centuries-old tradition.
- It was commissioned directly by the Ming emperor.
- It was jointly compiled and submitted to the Emperor by several dozens of senior court scholars/officers whose names and titles are clearly listed at the beginning of the book.
- The emperor personally approves it and writes a Preface for it.

- Not only is Tibet excluded from the ‘China’ segment, it is explicitly labeled as a foreign entity and grouped with many other equally foreign entities.

- On the <GMUM> map the difference between China and foreign regions are clearly differentiated in ‘black and white’.

It is difficult to imagine a more explicit and authoritative proof that Tibet was NOT recognized by the Ming government as part of Ming China.

§ 2.4. Overall Statement on Ming Empire’s Sovereignty over Tibet

Contrasting the Different ‘Self-Declaration’ Answers from the Most Authoritative Documents Issued by Three Different Chinese Regimes

Table 5 summarizes the main features of the PRC, Qing and Ming documents examined in, respectively, § 2.2, § 2.3 and § 2.4. For each document identified in ‘Column 0’ of each row, items in the grey-shaded ‘Column 1’ of that row are regions declared as being ‘inside China’ by that document, while items in the non-shaded ‘Column 2/Column 3’ are regions declared as being ‘outside China’.

Table 5
‘Closeness to China’ Ranking of Tibet, Japan, Burma and
Others: A Contrast among PRC, Qing
and Ming Governmental Geography References

	Column 0, Regime & Name of Reference	Column 1, Ming- Empire Territories	Column 2, Non-Ming- Empire Territories	Column 3, Non-Ming- Empire Territories
Row 1	PRC • <u><i>His- torical Atlas of China</i></u>	[Man- churia, <u>Tibet</u>] – in- side Ming Empire	[Xinjiang, Mongolia] – inside ‘China’	[N. Thai- land, Laos, Ja- pan] – out- side ‘Chi- na’
Row 2	Qing • <u><i>Ming History</i></u>	[N. Thai- land, Laos] – in- side Ming Empire	Japan, Mongolia – Scrolls 322/ 328 • Foreign Countries	<u>Tibet</u> – Scroll 331, Western Lands
Row 3	Ming • <u><i>Great Ming Unification Record</i></u>	[N. Thai- land, Laos] – in- side Ming Empire	Manchuria, Japan, <u>Tibet</u> , [Mongolia, Xinjiang] – Aliens, Scrolls 89–90	

Table 5 shows that the Qing and Ming documents (Rows 2 and 3) agree with each other on the following points. Firstly, Tibet is explicitly presented as a non-Chinese, non-Ming-Empire foreign polity; in fact, Tibet is presented as more ‘foreign’ to China than Japan. Secondly, Burma and Laos are presented as integral parts of China governed by the Ming Empire. In contrast, the PRC document contradicts the consistent position of Ming and Qing

documents by indicating that Tibet was, but Burma/Laos was not part of the Ming Empire.

The PRC document is not necessarily wrong merely because it contradicts the most authoritative Ming and Qing documents. What is noteworthy is that the PRC's *HAC* (and all other related PRC publications) universally avoid to mention (let alone 'justify') this contradiction.

The 'Self-Declaration' Answer from Other Ming Dynasty Publications

In my book I examined nearly a hundred authoritative geography references published during the Ming Dynasty. None of them suggests that Tibet was part of China. Also, all of those that mention Tibet clearly indicate that Tibet was a foreign country. The PRC has never dared to mention (let alone 'produce') any Ming-dynasty geography reference that shows Tibet as part of China. In contrast, in the Diaoyu Islands (Senkaku Islands) dispute with Japan, PRC's main proofs of China's ownership of the islands are the Ming and Qing geographic references.

Other Criteria on Ming Empire's Sovereignty over Tibet

GP1 in § 1.3.1 indicates that other sovereignty criteria need to be considered. However, considering space limitation and the overwhelming evidence based on the 'self-declaration' criterion alone, this paper will not present evidence regarding other criteria of the Ming Empire sovereignty over Tibet.

§ 3. Was Tibet Part of the Qing Empire (1644–1911) Under the 'Self Declaration' Criterion?

§ 3.1. The Version According to the 1727 Map in the *Great Qing Comprehensive Reference-YongZheng* 大清会典·雍正

The traditional stature of the 'Comprehensive References 会典/会要' was mentioned in § 1.3.2. The Qing Empire compiled the

Imperially-Commissioned *Great Qing Comprehensive Reference* 大清会典 (hereafter GQCR) 5 times, among them are the *GQCR-YongZheng* 大清会典•雍正 (1732) and the *GQCR-JiaQing* 大清会典•嘉庆 (1812).

The *GQCR-YongZheng* commissioned by Emperor YongZheng records material up to 1727; it contains in its <Scroll 131, Ministry of Defense, Part 21> the <Overall Map of the Empire's Realm 职方总图>, whose facsimile is presented here as Figure 7 (obtained from p. 2094–2095 in Book 6 of the 'GQCR for 5 Reigns' edition). Figure 8 is an enlargement of the map portion (i. e., upper left side) of the Figure 7; it labels not only Mongolia and Manchuria, but also Korea, the Ryukyu Islands and Vietnam. Not only is a corresponding Tibet label missing, but the space west and southwest of XingXiu Lake 星宿海 (i. e., the space that corresponds to TAR) is blank! Considering the IC traditional stature accumulated over dynasties by the Chinese 'Comprehensive References', it is difficult to imagine a more authoritative, more public, and more explicit way for the Qing Empire to indicate that: prior to 1727, not only was Tibet not part of China, but the corresponding empty space on the map was quite irrelevant to the Qing Empire.

Together with the preceding sections, the *GQCR-YongZheng* here indicates that during the entire Ming dynasty and the initial one-third of the Qing dynasty, the POCSA claim is irrelevant because it never occurred to China's ruling regimes that Tibet could be part of China.

Another point worth noting is that, while this IC 'Overall Map' did not label Tibet, it labeled Korea, Vietnam and Ryukyu. Moreover, by looking at the way the border lines are drawn, Korea and Vietnam appear to be within China's realm. This reflects a historical position recorded in numerous Chinese official

historical texts: Tibet was not considered a part of China, while Korea and Vietnam were ‘since antiquity’ repeatedly annexed, governed and taxed by the Han and non-Han rulers of the Han-China territories. Korea and Vietnam became respectively Japanese and French possessions toward the end of the Qing Dynasty; and because that formal subjugation status excluded China’s claim, Korea and Vietnam were able to become independent after WW2. In contrast, for the very reason that Tibet never became a possession of any foreign power, China was able to conquer it in 1950.

Also, although Korea and Vietnam were once genuinely controlled by rulers of China, it is well recognized that they were not part of the Qing Empire during the YongZheng era; hence this ‘Overall Map’ is misleading. This once again exemplifies the Qing Empire’s consistent behavior towards numerous foreign nations: it often used various formats and ploys to insinuate the Qing Empire’s right to rule many parts of the world. But even with this behavior, there was no attempt to insinuate Qing’s rule over Tibet before 1727.

§ 3.2. The Version According to the Great Qing Comprehensive Reference JiaQing 大清会典·嘉庆 (hereafter GOCR-JQ)

§ 3.2.1. The Version According to the 1812 Map in the GOCR-JQ

The Great Qing Comprehensive Reference JiaQing (GOCR-JQ) records governmental/economic material until 1812; in its component Diagrams of the GOCR-JQ, <Scroll 87, Territory, Part 1 輿地 一> contains a <Complete Map of the Imperial Realm 皇輿全图> (hereafter <CMIR>). Figure 9 provides its facsimile image, obtained from p. 768 in the Book 15 of the ‘GOCR for 5

Reigns' edition. This map differs significantly from the Ming- and Qing-dynasty maps presented earlier: Tibet is clearly shown within China's boundaries. The borders west of Tibet such as 'Border of Nepal' and 'Border of Hindustan' are also clearly labeled. This map shows that, sometime between 1727 and 1812, the Qing regime changed its position, and started to include Tibet in maps of China.

To put this in perspective: Japan has declared many times that the DiaoYu Islands belong to Japan, but every Chinese understands that these unilateral declarations do not prove that the DiaoYu Islands belong to Japan, they only prove Japan's greed. If the American government publishes a map in the USA showing South Korea or Taiwan as parts of its realm, this does not prove that South Korea or Taiwan became parts of the U.S.; it only proves America's greed. Similarly, when the Qing Empire decided to change its mind and include Tibet on China's map, Tibet did not, because of this action, de facto become part of China. However, the <CMIR> does exemplify clearly again the kind of basic contemporaneous documentation that would have existed had China intended to gobble up Tibet earlier (i. e., earlier maps showing Tibet as part of China would exist). Thus, comparisons with the earlier documentation proves that, roughly before 1774 A.D. (this timing is explained in detail in my book), China's ruling elite did not even have the thought of gobbling up Tibet.

Consider the following comparison. By 1760, via its East India Company, Britain had obtained military victories and governing/taxing powers in India. Thus, Britain's undisputed *factual* sovereignty over India is more 'ancient' than China's *self-proclaimed* sovereignty over Tibet. India was released from her subjugation decades ago.

§ 3.2.2. Tibet is Categorized as a Foreign Country in Other Parts of the GOCR-JQ

Although the <CMIR> map in GOCR-JQ indicates that Tibet was part of the Qing Empire, many other parts of that book contradict themselves by indicating that Tibet was a foreign country. Several of these contradictions are described in detail in my book; in this paper one such contradiction is described briefly below.

Scroll 31 of GOCR-JQ is titled <Ministry of Protocols, Part 13 礼部13>, it can be found on p. 345–353 of the Book 12, the ‘GOCR for 5 Reigns’ edition. This entire scroll is about tributary and commercial activities with foreign countries. The following extract is from p. 345 and p. 353 about the ‘Office for Receiving Visitors 主客清吏司.’

Extract-2.

[from p. 345]

「 Scroll 31. Office for Receiving Visitors. ... In charge of tributaries from **foreign countries**. 」

[from p. 353]

「 On translating correspondence.

Among the tributary countries, the original submissions from Korea, the Ryukyu Islands and Vietnam are all written in Han Chinese.

*Translations of submissions from countries such as SuLu, Laos, and Siam are arranged by the governors of the provinces through which they enter. The **state correspondence** 国书 from the following **countries of foreign barbarians** 外夷各国: HuiHui, GaoChang, XiFan 西番 [Tibet], Nepal, Siam, Burma, BaiYi, BaBai, SuLu, Laos, a total of ten languages, are translated into Han Chinese. 」*

「*Managing and Training Translators. ... Learning the languages of the various countries. The 'Western Region School' is for HuiHui, GaoChang, XiFan 西番 [Tibet] and Nepal. ... The 'Assorted Barbarians School' is for Siam, Burma, SuLu, Laos, BaiYi and BaBai*」.

Analysis of Extract-2.

Extract-2 shows that:

1. The *GOQR-JQ* categorizes XiFan 西番 (i. e., Tibet) in the same group of 「*countries of foreign barbarians*」 as Siam, Laos and SuLu.

2. The *GOQR-JQ* labels the correspondence between China and Tibet as 「*state correspondence*」.

3. The *GOQR-JQ* declares that 'Schools' were established to handle 「*the languages of the various countries*」, these 'countries' include XiFan (Tibet), Nepal, Siam etc.

4. Among the 'tributary countries', those with whom China had some real subordinating relationships (e. g. Korea and Vietnam) wrote their state correspondence to China in the Han Chinese language. In contrast, entirely independent 「*countries of foreign barbarians*」 such as Tibet and SuLu naturally used their own languages to write their correspondence to China; the Qing court had to do the translations itself. The Qing rulers would behead conquered subjects for even such trivial infractions as not wearing the correct hair style; if the Qing rulers had any real power in Tibet, they would not have allowed the subordinated Tibetan 'provincial/local' government to submit reports so arrogantly in a language that the 'central government' had to translate.

According to the PRC's narrative, the Qing court sent officials with the title 'Grand Officer Stationed in Tibet' (known as the 'Amban' in non-Chinese writings) to rule Tibet. Had there been

such a governing structure, how could Tibet have dispatched ‘state correspondence’ to the Qing court using the Tibetan language? Chapter 3.10 of my book proves that the ‘Amban – Grand Officer Stationed in Tibet’ and the ‘Grand Officer Stationed in Britain’ were merely diplomatic envoys from China to Tibet and Britain, respectively. Therefore, the state correspondence from Tibet and Britain to the Qing court was naturally in Tibetan and English, respectively.

§ 3.3. The Version According to Contemporary and Historical Geography 今古地理述, (hereafter CHG) by Wang ZiYin 王子音, ~1805, 1877

CHG was first published at the Qing Dynasty in 1805, and was re-published in 1877. It is one of the most important Qing-era China-geography books.

Extract 3.

CHG’s author states in his Preface (on p. 24):

「Now the TianXia 天下/Chinese-world has been unified; according to past geographical records, our realm has never been as vast previously. Considered in this work are, in the order of the closeness of relationship:

Analogous to our head: the capital cities of Beijing and ShengJing 盛京.

Analogous to our thighs and forearms: ZhiLi 直隸, Shandong, Shanxi, Henan, Jiangsu, Anhui, Jiangxi, Fujian, Zhejiang, Hubei, Hunan, Shaanxi, Gansu, Sichuan, Guangdong, Guangxi, Yunnan, Guizhou.

All who are civilized [literally: all with blood and can breathe], their lands are the Emperor’s lands and they are the Emperor’s subjects 凡有血气, 莫非王土王臣, they are: Korea, Ryukyu, Vietnam, Laos, SuLu, Holland, Burma,

Western Ocean and other ex-border countries; and indeed they are] .

Extract 4.

CHG's <Legend> states (on p. 40) that:

[This book honors the capital city of Beijing as the first item, ... [then] ShengJing. ... This book [then considers]: ZhiLi, Shandong, Shanxi, Henan, Jiangsu, Anhui, Jiangxi, Fujian, Zhejiang, Hubei, Hunan, Shaanxi, Gansu, Sichuan, Guangdong, Guangxi, Yunnan, Guizhou; listing of these places follow the same order as used in the [Great Qing] Unification Record and the [Great Qing] Comprehensive Reference] ..

Подлинная «китайская версия» истории Тибета:
с древних времен Тибет никогда не был частью Китая

Table 6.
Titles and Lengths of Scrolls in
‘Contemporary and Historical Geography’

Scroll's numbering (as in the original book)	Scroll's Title	Length of Scroll (# of Sheets)
Leading #1	Beijing Walled City	78
Leading #2	Beijing Parks and Suburbs	72
Leading #3	ShengJing Region	54
#1	ZhiLi	96
#2	Shandong	76
#3	Shanxi	54
#4	Henan	57
#5	Jiangsu	68
#6	Anhui	42
#7	Jiangsu	54
#8	Fujian	56
#9	Zhejiang	66
#10	Hubei	43
#11	Hunan	45
#12	Shaanxi	46
#13	Gansu	50
#14	Sichuan	71
#15	Guangdong	65
#16	Guangxi	54
#17	Yunnan	57
#18	Guizhou	41 ¹
Appended Scroll	<u>Various Tributary Countries</u>	22

¹ Scroll-18 has 62 sheets, but after sheet 42 the space is not used exclusively to describe Guizhou geography.

Table 7
Space Allocated to Each of the ‘Tributary Countries’
in the <Appended Scroll>
of ‘Contemporary and Historical Geography’

Name of Country	Rank	Countries’ Placement (Pagination) in the Scroll	# of Sheets Used for the Coun- tries
Korea	1	Sheets # 1–3	1.5
Ryukyu	2	Sheet #3	0.5
Vietnam	3	Sheets #4–8	4
Laos, Siam, SuLu, Holland, Burma, West- ern Ocean Countries 西 洋诸国, the Huis	4–10	Sheets #9–22	14
Tibet	11 (last)	Sheets #22–23 (last 2 sheets of the entire book)	1

Table 6 is the Table of Contents of *CHG*, showing the title of each scroll and its length (number of pages). The bottom row of Table 6 shows that *CHG*’s last scroll is entitled <Appended Scroll: Various Tributary Countries>. The ‘Various Countries’ described in this scroll are listed in Table 7, i.e., Korea, ... Western Ocean Countries 西洋诸国, the Huis (Muslims), and Tibet. Within that list of 11 entities, two (‘Western Ocean Countries’ and ‘the Huis’) encompass several countries each. Figure 10 presents the image of Sheet 11 of the <Appended Scroll: Various Tributary Countries>, the framed Chinese characters show that the entity ‘Western

Ocean Countries' includes Portugal, Italy and England. Moreover, Portugal is listed twice in slightly different Chinese characters (‘博尔都嘉利亚国’ and ‘博尔都噶尔国’) and hence counted as two different tributary countries, thus further amplifying the Qing Empire's glory.

Analysis of Extracts 3 and 4.

1. Extract 3 shows that the relevant ‘Chinese world 天下’ hailed by *CHG*'s author as ‘*never been as vast previously*」 consisted of only 20 listed administrative regions; i.e., the figuratively-speaking head, thighs and forearms. This list is repeated in Extract 4, which states that it conforms to the *Unification Record* and the *Comprehensive Reference*. This grouping is again repeated in the *CHG*'s Table of Contents (see Table 6) where 20 Chinese regions are represented from <Leading Scroll #1, Beijing Walled City> to <Scroll 18, Guizhou>. Tibet is consistently excluded. Note also that *CHG*'s author was particularly mindful about arranging/ranking regions based on the closeness of relationships with China's ‘head’ (i.e., Beijing).

2. Even among those ‘*who are civilized..., their lands are the Emperor's lands...*」 as listed at the end of Extract 3, Tibet is absent, while Holland and the Western Ocean Countries are included. As Table 7 shows, Tibet finally appears in the main text of the <Appended Scroll: Various Tributary Countries> as the last of all the foreign countries, ranking below SuLu, Holland and the Western Ocean Countries.

3. Table 6 shows that, among China's Level-1 administrative regions, the length of Guizhou's scroll is the shortest, at 41 sheets; but this is still nearly twice the length of the total space (23 sheets) allocated to describe the entire set of 11 Tributary Entities. Furthermore, Table 7 further shows that, among the

Tributary Countries, countries such as Korea and Vietnam have longer descriptions than Tibet.

Nobody in today's PRC would dare to write a contemporary (or even 'ancient') geography book putting Tibet in the same category with SuLu, Holland, Burma and 'Western Ocean Countries' (i. e., England, Italy, etc.). Qing intellectuals were well aware of the severities of the 'Persecutions of the Writings 文字獄'. *CHG* was written by a Qing governmental official in 1805; it carried commendatory prefaces written by many senior Qing officials. It was re-printed in 1877, and was formally judged to be highly authoritative by panels of outstanding scholars in both the ROC and PRC eras. This book not only casually categorized Tibet similarly with Holland and 'Western Ocean Countries', it also ranks Tibet at the bottom of the 'Various Tributary Countries'. We showed earlier that *CHG*'s author was very particular about ranking regions based on their relationship to China's 'head.' Therefore, this proves that, until as late as 1877:

1. The prevalent standard perception of China's intelligentsia was that Tibet was one of the Tributary Countries but not an actual part of China, and China's relationship with Tibet was more distant than China's relationships with other 'Tributary Countries' (such as Korea, Vietnam and even Holland).

2. The Qing government and emperors had the same perception.

§ 3.4. Summary of My Examinations of Other Qing-Dynasty Books

In Chapter 3.2 of my book, I examined 15 highly authoritative geography references published during the Qing dynasty, plus the *QHD* (published in early ROC-era). Ten of them clearly 'self-declared' that Tibet was not part of the Qing Empire

(as exemplified in this paper by *GQCR-YongZheng* of § 3.1 and *CHG* of § 3.3), while 6 of them gave internally contradicting information (as exemplified by *GQCR-JQ* of § 3.2). None of the references present material that consistently indicate that Tibet was ruled by the Qing Empire.

Nevertheless, under the ‘self-declaration’ criterion and compared to the Ming era, it is not as overwhelmingly clear that Tibet was not ruled by the Qing Empire. Therefore, in the following sections we will consider a few other ‘GP2 Criteria’ (see § 1.3.1) to evaluate China’s sovereignty over TAR.

§ 4. The Qing Empire-Wide Regular Censuses Never Included Tibet

One of the most fundamental indicators of sovereignty is the capability to collect tax, and in order to collect tax efficiently, the government needs a tax roll – i.e., obtain population records of its ‘subjects’. This and the two following sections will show that the Qing Empire never had the capability to obtain official population records or to collect taxes in Tibet; it also never considered the residents in today’s TAR as subjects of the Qing Empire.

The Qing Empire regularly conducted empire-wide censuses; their results appear in several official publications. For example, <Scroll 19, Census Research 1> in Zhang TingYu’s 张廷玉 (1787) *Imperially-Approved Comprehensive Research of Imperial Dynasty’s Records* 欽定皇朝文獻通考 gives population figures for every province/territory in the Empire for the following years: AD 1679, 1685, 1724, 1749, 1757, 1762, 1767, 1771, 1776, 1780, and 1783. E.g., the record for AD 1783 is:

「The total population of all the provinces is 284,033,785. Population in ZhiLi 直隸 Province is 22,263,369; in FengTian

奉天 *Province is ...* 」（Note: ‘FengTian’ is today’s Liaoning Province in Manchuria).

The same format is repeated for each of the remaining provinces, namely, Jilin, Jiangsu, Anhui, Jiangxi, Zhejiang, Fujian, Hubei, Hunan, Shandong, Henan, Shanxi, Shaanxi, Gansu, Sichuan, Guangdong, Guangxi, Yunnan, and Guizhou. The same format is also used for all other years. Banner Mongolian population is discussed in the subsequent <Scroll 20, Census Research 2: Census of Eight Banners>. Neither Scroll 19 nor Scroll 20 contains a single word about Tibet or any part of Tibet.

All other official Qing publications also do not provide Qing-era Tibet population data. Detailed proofs of this claim are given in Chapter 3.4 of my book. Notably, the PRC had never dared to broach the issue of Qing’s taxation in Tibet.

§ 5. The Qing Empire Officially Considered Tibetans as ‘Non-Qing People’

Collectively, five compilations of the *GQCR* contain census figures over a large portion of Qing-dynasty’s entire 267-year span (i. e., 1644–1911). For example, <Scroll 17, Ministry of Populations and Revenues 戶部, Duties of the Ministers 5> of the *GQCR-GuangXu* (pp. 162–163 in Volume 794 of the ‘Sequel to the Four Libraries 续四库全书’ edition) gives following population data.

Extract 5.

[Ministry of Populations and Revenues, Duties of the Ministers. ... Manage the residency registry of the entire empire. ...Population registries of the External Colonies 外藩 of the ‘Jasaghs’ [or ‘Zhasakes’, see Note #6 below] are managed by the Colonial Office/LiFanYuan 理藩院 ...

Подлинная «китайская версия» истории Тибета:
с древних времен Тибет никогда не был частью Китая

‘Internal People 腹民’ are counted by individual persons. ... According to the registries of various provinces in GuangXu Year 13 [1887], ... FengTian population 4,451,261, ... Shandong population 36,694,255, ...

*‘Border/Fringe People 邊民’ are counted by households. Those Fan, Hui, Li, Miao, Yao, Yi (ethnic minorities) that have long followed our civilization are included in the rolls of ‘Chinese people.’ ... **Tibet’s 39-Tribes: 4889 households**..., ‘Mink Tributary Tribe’ [in today’s Russia’s Tuva Republic]: 768 households ...] .*

Table 8
Census Figures of China’s ‘Actual’ Territories, as Presented
in Various Classical Chinese References

Title of Reference	Core Chinese People 腹民 (in # of persons)		Border (Fringe) Chinese People 邊民 (in # of households)	
	Publication Year	Shandong Province	Tibet 39-Tribes	Mink Tributary Tribe ³
<i>Tibet Record</i>	~1750	—	4889	—
<i>GOCR-JiaQing</i>	1812	28,958,764	4889	595
<i>GOCR-GuangXu</i>	1887	36,694,255	4889	768
<i>Qing History Draft (QHD)</i>	1920	31,136,944 ¹	4889 ²	No data ³

¹ QHD Scroll 61, ‘Geography 8’. P. 2046 (for XuanTong Year 3, 1911).

² QHD Scroll 134, ‘Military 5’. P. 3978–3979.

³ The ‘Mink Tributary Tribe’ ceased to be a Qing-Empire territory sometime around 1911.

Explanatory Notes.

1. The Qing Empire recognized two categories of ‘Chinese people 民’: ‘Core People’ and ‘Border (Fringe) People’.

2. ‘Tibet’s 39 tribes’ was a borderland region between TAR’s eastern fringe and Sichuan Province, it was consistently perceived by the Qing Empire as external to the Tibet Kashag regime, and often recorded as a Qing-Empire territory. Its population was only ‘4889 households’.

3. As indicated in the footnotes to Table 8, *QHD* gives Shandong’s population figures in its ‘Geography’ segment, conforming to a millennia-old standard practice of China’s official histories for recording population figures of genuine China territories. In contrast, the population figure for ‘Tibet’s 39 tribes’ is recorded in the ‘Military’ segment due to their willingness to be hired as mercenary soldiers by the Qing Empire; however, the figure is not recorded in the ‘Geography’ segment (reserved for genuine Chinese territories).

4. Populations change over the years; in Table 8 this is reflected by not only the ‘Shandong Province’ figures but also by the insignificant ‘Mink Tributary Tribe’ figures; i.e., those figures were updated. In contrast, the ‘Tibet’s 39 tribes’ population figures remain constant at ‘4889’ from AD 1750 to AD 1920; i.e., the figures were not updated, further reflecting the marginality of ‘Tibet’s 39 tribes’.

5. Yet, the ‘Tibet’s 39 tribes’ still qualified to be labeled as ‘Qing-Empire people’ (albeit in the ‘Fringe’ category) by the *GOQR*. In contrast, the Qing government excluded the people in TAR from either of the two categories of ‘Qing-Empire people’.

6. ‘Jasaghs’ were (mostly) Mongolian hereditary rulers who retained all tax revenues collected from and had complete judicial authority over their subjects; i.e., the Qing Empire’s control over

them was quite nominal. Yet, the first paragraph of Extract 5 shows that these Jasaghs' subjects are also duly accounted for.

Nevertheless, while it is easy to prove that something (e. g., population record) exists by simply 'showing' it, it is logically much more difficult to prove that something does not exist; i. e., the reader can counter thus: 'It does exist, you just haven't found it'. However, using documents approved by the PRC, the following § 6 will prove conclusively that the Qing Empire was never able to obtain Tibet's official population figures.

§ 6. The Qing Empire Could Not Diplomatically Request Basic Population Figures from the Tibet Government

§ 6.1. Four Extracts (Extracts 6 to 9) from the Most Authoritative Chinese Documents on Tibet's Population Figures

The four documents from which Extracts 6 to 9 are obtained are all well recognized by PRC's historians as major authoritative sources. A large literature exists on the origins and status of these four works.

Extract 6.

Source: Anonymous (~1750), *Tibet Record* 西藏志, Tibet People's Press edition 1982, p. 47.

「QianLong Year 2 [1737 A.D.], compiled and submitted to LiFanYuan/Colonial Office for inclusion into the Unification Record:

Regions in WeiZang 卫藏 [eastern and central TAR] governed by Dalai [Lama]... and Prince Polhanai 郡王颇罗鼐, totaling 121,438 households of 'common people 百姓'..., and 302,560 lamas... Panchen [Lama] governs 13,671 lamas, ... and 6752 households of 'common people 百姓'」.

Note: It is now well recognized that neither the author nor the year of compilation of *Tibet Record* can be reliably determined. The preface in the earliest printed version of the book states that it is based on a handwritten manuscript that surfaced around 1792 in Sichuan Province. The figures in Extract 6 are summarized in the Row 1 of the Table 9. The figures in the subsequent Extracts 7 to 9 are similarly summarized in Rows 2–4 of the Table 9.

Table 9
Summary of the Tibet Population Figures Given in
Excerpts 1 to 4

Row #	Document	Year of Publication	# Under Dalai Lama		# Under Panchen Lama	
			Lamas (persons)	Common People (households)	Lamas (persons)	Common People (households)
1	<i>Tibet Record</i>	~1750	302,560	121,438	13,671	6752
2	<i>Record of Holy Conquests</i>	1845	302,500+	121,438	13,700+	6752
3	<i>Qing History Draft (QHD)</i>	1928	302,500+	121,438	13,700+	6752
4	<i>Biographies of Dalai Lamas</i>	1963, 1984	302,560	121,438 serfs	13,670	6752 serfs

Extract 7.

Source: Wei Yuan 魏源 (1845), *Record of Holy Conquests* 圣武记, <Scroll 5, Tibet, Appended Record>, China Press edition 1984, p. 226.

「 Governed by the Dalai Lama are ... 302,500 plus lamas and 121,438 households of common people. Governed by the Panchen are ... 13,700 plus lamas and 6752 households of common people. According to registry compiled by the LiFanYuan in QianLong Year 2 [1737]. 」

Note: Regarding the last sentence in the Extract 7, no such registry can be found today; also, there is no governmental record suggesting that this registry was ever compiled.

Extract-8.

Source: Zhao ErXun 赵尔巽 (~1928), *QHD*, <Scroll 525, Colonial Regions Part 8 藩部 • 八>, China Press edition 1977, p. 14570.

「 Tibet. Counted the following:

Governed by Dalai [Lama] are ... 302,500 plus lamas and 121,438 households of common people;

Governed by Panchen [Lama] are ... 313,700 plus lamas and 6752 households of common people. 」

Note: This is the only place where Tibet's population is mentioned in the entire book of *QHD*. Neither source nor the year of census is given.

Extract 9.

Note: This is the only supposedly pre-1949 evidence produced by the PRC on the prevalence of serfs in Tibet's 'old society'.

Source: Ya HanZhang 牙含章 (1984), *Biographies of the Dalai Lamas* 达赖喇嘛传, People's Press, p. 31. Note: This book has a 1963 'restricted availability' edition.

「According to what is reported in the *Record of Holy Conquests* about the figures submitted in YongZheng Year 11 [1733] by the Fifth Dalai Lama to LiFanYuan, in the entire Tibet at that time, ... 302,560 lamas belonged to Dalai's side, ... 13,670 lamas belonged to Panchen's side.

The total number of *serfs* 农奴 belonging to the monasteries were **128,190 households**, among them those *serfs* 农奴 that belonged to Panchen's side were 6,752 households.

Assuming 5 persons per household, then the number of *serfs* 农奴 that belonged to the monasteries were about six hundred and forty thousand plus. 」

Note: According to Extract 9, the number of serfs 'on Dalai's side' = $(128,190 - 6,752) = 121,438$, which is the number summarized in Row of Table 9.

Explanatory Notes on Extracts 6 to 9.

1. The figures in Table 9 are presented in chronological order of the approximate publication years of the source documents (i.e., 1750, 1845, 1920 and 1963). It is obvious that the population figures given in these four extracts are essentially the same.

2. It is stated explicitly in Extract 6 that the figures are 「compiled and submitted to LiFanYuan/the Colonial Office for inclusion into the *Unification Record*」; however, neither the *Great Qing Unification Record (GQUR)* nor any other Qing government documents report these figures (nor any other Tibet population figures) – this can be verified by doing a computer search with such databases as *Basic Classics* and *Duxiu*. Reminder: *QHD* is not a Qing but a ROC-era document.

3. Extract-6's beginning words 「... compiled and submitted to LiFanYuan...」 indicate that its author was purposely nebulous. Who 'compiled and submitted' the figures? If the figures were

submitted by the Tibetan government, then this constitutes a strong indication of Tibet's submission to China, and it is improbable that this would not have been explicitly stated. China's governmental documents contain numerous explicitly-worded claims on China's power to incorporate population records and rolls of various polities, including Vietnam, Nepal and the Philippines. For example, Scroll 423 of the *GQUR-JiaQing* records the following:

「*SuLu. ... QianLong Year 19, this country pled to have her population rolls incorporated into China's rolls*」 (note: the Sulu Sultanate ruled, among others, the Sulu Archipelago in today's Philippines).

One would assume that the SuLu visitors were not serious about whatever they may have expressed; the Qing government understood this and never actually incorporated SuLu's rolls, yet the event was duly recorded in governmental documents.

4. The last sentence in Extract 7 is: 「*According to a registry compiled by LiFanYuan in QianLong Year 2 [1737]*」; this means that the LiFanYuan/Colonial Office compiled the figures, which contradicts indication in the Extract 6 that some other entity compiled and then submitted the figures to the Colonial Office. Also, the Colonial Office could not possibly have had the ability to compile such records in 1737; the reasons are:

(i) various Qing governmental documents record explicitly that, regarding population figures, the Colonial Office was in charge of only the Mongolian figures;

(ii) the Colonial Office never had any Tibetan staff members;

(iii) if the Colonial Office was capable of compiling Tibetan population figures in 1737, they would have updated these figures subsequently; hence, Wei Yuan would not have used the 1737 figures when writing about Tibet in 1845.

5. *QHD*'s chief editor Zhao ErXun not only was one of most important officials at the end of the Qing Dynasty, but he was also one of the most knowledgeable officials in Tibetan matters. In the *QHD* team, the person in charge of Tibet-related material was Wu YanShao 吴燕绍, a leading scholar in Tibet affairs. When they were appointed by the ROC government in the 1910s/1920s to compile the *QHD*, they were familiar with and had access to the best Chinese records on Tibet. Nevertheless, as shown in Extract 8, they ended up using the same set of figures as Extracts 6 and 7.

6. The *QHD* adhered to the millennia-old tradition of China's official histories by presenting the most recent Qing-dynasty population figures of genuine China territories in the 'Geography' segment. We saw earlier that *QHD* was mindful of this tradition in reporting the outdated population figures for the border/fringe people of 'Tibet's 39 tribes' in the 'Military' segment (instead of the 'Geography' segment), reflecting the 'Tibet's 39 tribes' fringe relationship with the Qing Empire as mercenaries. In contrast, *QHD* placed the Tibet population figures in the segment explicitly labeled 'Colonies/Fan 藩'. Note: In Qing governmental documents the same word '藩' is used consistently to label the China-Tibet relationship as well as the relationships between the western colonial powers and their colonies; e.g. India and Singapore were Britain's 藩, Algeria and Tunisia were France's 藩. Chapter 3.11 of my book proves in detail that the Qing regime considered China's 'Fan 藩' as equivalent to the 'colonies' of the western colonial powers.

7. One of PRC's most vocal justifications for 'unifying' Tibet is to liberate Tibet's serfs, which (according to the PRC) constituted 95% of Tibet's pre-liberation population. Extract 9 provides the only supposedly pre-1949 documentation the PRC has been able to 'find' for proving the prevalence of serfdom. This is achieved by

changing the term ‘common people’ in Extracts 6 to 8 to ‘serf 农奴,’ then applying an arbitrarily-set multiplier of ‘5’. Incidentally, even with this forgery, it can be shown mathematically that the resultant serf percentage in Tibet is at most 67%, considerably less than the ‘95%’ claimed. It must be emphasized that Ya HanZhang is one of the most prestigious scholars in Tibet affairs in PRC, his *Biographies of the Dalai Lamas* was publicly commended by Zhou EnLai and has been translated into Tibetan, Mongolian, English & German; his ‘serfdom proof’ shown in Extract 9 is widely cited not only in PRC propaganda pieces but also in international scholarly works.

8. There is another error in Extract 9. It cites Extract 7 as its source, but whereas Extract 7 states that the figures were ‘compiled and submitted (by unspecified entities) to the Colonial Office,’ Ya HanZhang claims in Extract 9 that the figures were submitted by the 5th Dalai Lama to Colonial Office (thus implying the Dalai Lama’s submission to China). The year of submission is also changed from ‘1737’ in Extract 7 to ‘1733’ in Extract 9, which is obviously a careless fabrication, because the 5th Dalai Lama died in 1682.

Analyses of Extracts 6 to 9.

1. The same population figures apparently first stated fuzzily in a mid-1700’s book (*Tibet Record*) with uncertain authorship and publication date were presented repeatedly by various authoritative books (with mutually contradicting statements on their sources) as the only ‘authoritative’ population figures over a span of more than 200 years. Even in 1963, when the PRC wanted to forge figures for its claim on Tibetan serfdom, the best data they could find to work with is this same set of figures.

2. *QHD*’s authors Zhao ErXun and Wu YanShao both strongly advocated for the annexation of Tibet, and obviously wanted very

much to present Tibet as part of China in the official Qing history; however, apparently they were also conscious of their moral duty as scholars-historians compiling a national history record, and hence hesitated to lie outright. Therefore, recognizing that the best Tibet population data they could find is quite baseless, they compromised by inserting the figures in the ‘Colonies’ segment without stating the source and year for the figures, but also not explicitly alerting their readers that the figures had no credible source and year. Alternatively, Zhao and Wu could have adopted the standard treatment for population figures of genuine China territories, i.e., insert those figures in the ‘Geography’ segment of *QHD* and also state vaguely that the figures were from some recent internal governmental documents. Since most people at that time had very limited access to documents and information, nobody could have questioned their authority, and today this *QHD* record would become a powerful piece of supporting evidence for the POCSA claim.

3. In contrast, by 1963 Ya HanZhang followed the new norms regarding the falsification of historical records.

4. The above material proves that China strived to appear that they had at least some knowledge of Tibet’s population figures, but evidently it could not even obtain them via a diplomatic request from Tibet rulers.

§ 7. The Late-Qing Regime Explicitly Labeled Tibet as an Entity They Hoped to Capture as a ‘Colony 殖民地’

Zhang YinTang 张荫棠 was sent by the Qing regime to Tibet in 1906 as Imperial Emissary and then as Amban. He is touted by the PRC as one of the best ambans in history. The implications of the following extracts from his official reports are obvious: Tibet was not part of the Qing Empire and was not under Qing’s

control, but some members of the Qing ruling class wanted to capture Tibet by emulating how Britain captured India.

Source: Submissions on Tibetan Affairs in the Qing Era, Book 2. Submissions from Zhang YinTang 清代藏事奏牍, 下册张荫棠奏牍, <Telegram to the Foreign Ministry on a Preliminary Proposal to Rule Tibet 致外部电陈治藏刍议>, GuangXu Year 33, Month 1, Day 13 (1907.2.25), p. 1328–1330.

「... [We] *must capture* [Tibet's] *governmental control as soon as possible... To capture governmental control, we must grasp the current window of opportunity during which Dalai has yet to return, deploy a hundred or so army-academy graduates, surreptitiously arranged, in order to be efficient and effective. ... The Tibetan region covers 7000 Li [Chinese miles] in both directions, its mineral deposits are unrivaled throughout the five continents. **In future it will definitely be our excellent colony**将来必为我绝好殖民地. If managed by the right people, the benefits will double in 10 years, our annual commercial profit will exceed tens of millions!*」

Source: Submissions on Tibetan Affairs in the Qing Era, Book 2. Submissions from Zhang YinTang, <Submission on the Tibet Situation and Handling the Aftermaths 奏复西藏情形并善后事宜折>, GuangXu Year 33, Month 11 (1907.12), p. 1395–1402.

「... *Submission on the Tibet situation and actions for handling the aftermaths, respectfully praying for Your Holy [Majestic] Attention:*

*... Tibet is vast but sparsely populated, rich in minerals, **in future it could be exploited as a colony**他日当可资为殖民地. ... The Amban in Tibet has never taken care of [governmental] affairs, and has long been despised by the Tibetans. He has no military support to suppress/appease,*

and is unable to participate in any government matters. The British ridicule us for having no sovereignty in Tibet and for our failure to fulfill the obligations of a 'master nation;' we indeed should feel ashamed. ...

As for the likelihood that Tibetan authorities will resist if we take over their government..., this official humbly feels that the Tibetans are poor, weak and stupid; at present they have no ability to resist. ... Even if there were minor disturbances, 3000 trained soldiers will be enough to suppress/placate them. ... The way China governs Tibet must be like the way Britain governs India...」

§ 8. Instead of Defending Tibet, the Qing Regime Supported the British Invasion Force in 1904

Background: The British invaded Tibet the second time in 1904; they admit that the battle they had in Guru (inside Tibet) was a 'massacre' of the Tibetans. Extracts 10 and 11 from typical post-1949 PRC publications give the impression that China was on the Tibetans' side. In contrast, Extract 12 is from an official letter sent by the then Qing Amban (named YouTai) to the British commander Younghusband who led the massacre; the letter clearly shows that the Qing regime explicitly supported the British invasion and applauded the massacre.

Extract 10.

Source: College of Military Sciences *ed.* (1985), History of Modern Chinese Wars, Vol 2 中国近代战争史, Military Science Press, pg. 323.

「 There were more than 1400 casualties in the Guru Battle, but nobody surrendered. This fully demonstrates the heroic spirit of the Chinese people, who are not afraid of aggressors and would rather die than bow to bullies. 」

Extract 11.

Source: Hu Yan 胡岩 (2004), *The Snowy Highland will Never Forget: A History of Britain's Invasion of Tibet in 1904* 雪域高原不会忘记：1904年英国侵略西藏史, China Tibetology Publisher, p. 53.

「The beastly actions of the enemies are so angering that they make our hair stand straight up. 1904.3.31 is a day the Tibetans will never forget. In history, this is the day British imperialism created the heaviest debt-of-blood against the Tibetan people.」

Extract 12.

Source: Wu FengPei 吴丰培 ed. (1937), *Official Correspondence between Tibet and India* 藏印往来照会, 'Series on Qing-Era Tibet Historical Material 清代西藏史料丛刊' Vol. 1, published by 'National Beijing Academy of Research, Institute of History Research 国立北平研究院•史学研究会,' p. 59.

「Amban YouTai to Younghusband: ... GuangXu Year 30 [1904], Month 3, Day 3.

I have noted the various aspects stated in the letter from Your Excellency. The Tibetan military commander did not obey my prohibitions, and shockingly dared to initiate troubles and resort to violence in Guru. The glorious might of your great nation defeated their horde 徒众. Although they deserve the sufferings because they were at fault, this great officer [i.e., 'I'] must admit that it is also because I failed in 'guiding 开导' them...

Fortunately, Your Excellency took pity on their roguery and ignorance and forgave their past errors. You have released all the captured soldiers, and have also ordered that the wounded be medically treated.

You are truly benevolent! You apply both compassion and might wisely, and bring boundless blessedness and well-being to Tibet 仁

者用心，恩威并著。造福西藏，有涯量哉！*This great officer [i.e., 'I'] can only plan to lead the [Tibetan] Fan-barbarian people to place flowers and incense on an altar and send you our thankful prayers from afar* 惟是率领番民，瓣香遥谢而已。」

§ 9. Conclusion

This paper presented only a small portion of the documentary evidence provided in my book. This evidence shows that Tibet was not part of China during the Ming and Qing dynasties.

Clarification: I now live in California, USA, not in Hong Kong. If I were living in Hong Kong now, I would not have dared to make this presentation.

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**ТИБЕТОЛОГИЯ И БУДДОЛОГИЯ
НА СТЫКЕ НАУКИ И РЕЛИГИИ – 2020**

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**Иллюстрации к статье Hon-Shiang Lau
«The genuine ‘China version’ of Tibet’s history:
Tibet was never part of China since antiquity»**



FIGURE 1. Ming Era Comprehensive Map #1明时期全图(一)
from the ‘Historical Atlas of China’ (Vol. 7, p. 40-41).

貴陽	貴州土司	列傳第二百四	八百二宣慰司	車里	木邦孟密安撫司	促反	東倘	思南思州	麓川	列傳第二百三	雲南土司三	緬甸二宣慰司	潞江	芒市	茶山	里麻	鈕兀	孟連	者樂甸	南甸二宣撫司	干崖	明史三百一十五
		明史三百一十六		老撾	孟養	散金	瓦甸															

FIGURE 2. Pages in the Table of Contents of the
 ‘SiKuQuanShu 四庫全書’ Edition of ‘Ming History’ for
 Scroll 315.

Figure 2.5.6 (Left Page)	Figure 2.5 (Right Page)
西天阿難功德國 西天无八剌國	沙州衛 罕東衛
桑甘烏斯藏行都指揮使司	罕東佐衛 哈梅里
長河西魚通寧遠宣慰司	列傳第二百一十九 明史三百三十一
董卜韓胡宣慰司	西域三
列傳第二百一十二 明史三百三十二	烏斯藏大寶法王 大乘法王
西域四	大慈法王 闍化王
撒馬兒罕 沙鹿海牙	贊善王 薩教王
達失干 賽藍	闍教王 輔教王

FIGURE 3. Pages in the Table of Contents of the 'SiKuQuanShu 四库全书' Edition of Ming History for Scroll 331.

馬龍他郎向長官司	者樂向長官司	思恩府	思恩軍民府
湖沱衛軍民指揮使司	金齒軍民指揮使司	鎮安府	泗城州
騰衝軍民指揮使司	車里軍民宣慰使司	利州	奉議州
木邦軍民宣慰使司	孟養軍民宣慰使司	向武州	都康州
緬甸軍民宣慰使司	八百大甸軍民宣慰使司	龍州	江州
老撾軍民宣慰使司	孟定府	思陵州	上林長官司
孟良府	南甸宣撫司	安隆長官司	
千崖宣撫司	隴川宣撫司	雲南布政司	
威遠州	灣甸州	卷之八十六	
鎮康州	大條州	雲南府	大理府

FIGURE 4. Image from GMUR's Table of Contents on Yunnan Province.

平越衛軍民指揮使司	乾定衛軍民指揮使司	畢節衛	威清衛	安莊衛	清平衛	平壩衛	普市守禦千戶所	卷之八十九	外夷	朝鮮國	日本國	西蕃	琉球國	赤斤蒙古衛
罕東衛	安定衛	曲先衛	火州	撈馬兒罕	于闐	占城國	爪哇國	滿剌加國	拂菻國	暹羅國	真臘國	古麻刺國		

FIGURE 5. Image from GMUR’s Table of Contents on ‘Foreign Aliens’ listing ‘Tibet西蕃’

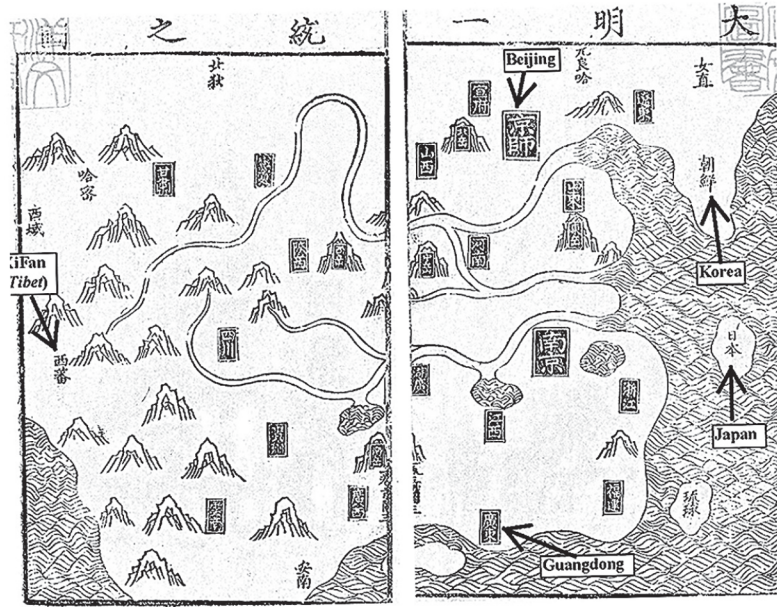


FIGURE 6. Great Ming Unification Map 大明一统图
of 《Great Ming Unification Record 大明一统志》, 1461 A.D.

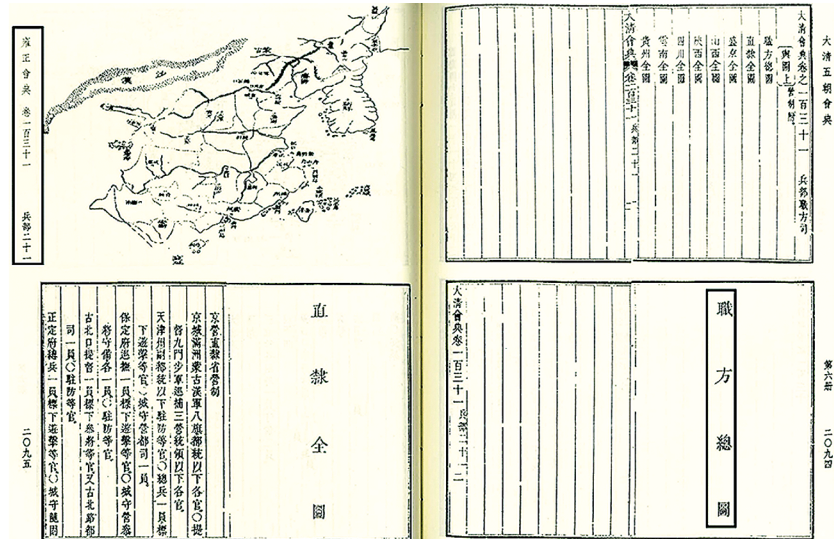


FIGURE 7. Overall Map of the Empire's Realm 职方总图
from 《Great Qing Comprehensive Reference,
YongZheng Era 大清会典•雍正.

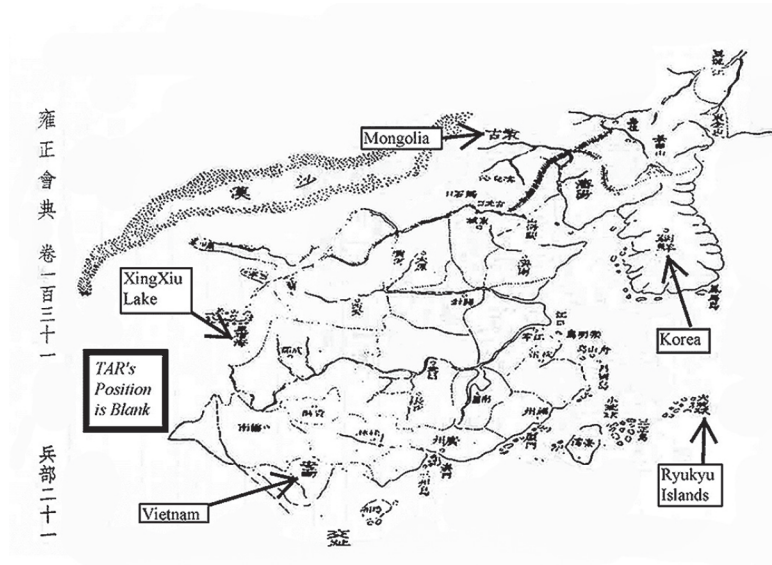


FIGURE 8. Enlarged view of upper left portion of Figure 8, with English labels added (*Italicized words are notes provided by the author. Non-italicized words are direct translations*).

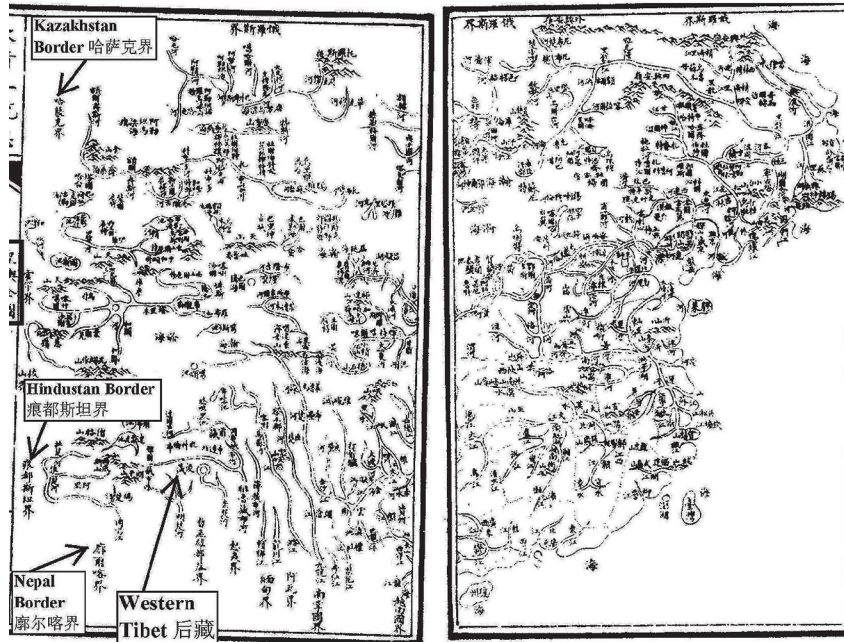


FIGURE 9. Complete Map of the Imperial Realm 皇輿全圖
from the 'Great Qing Comprehensive Reference JiaQing
大清会典·嘉庆'.

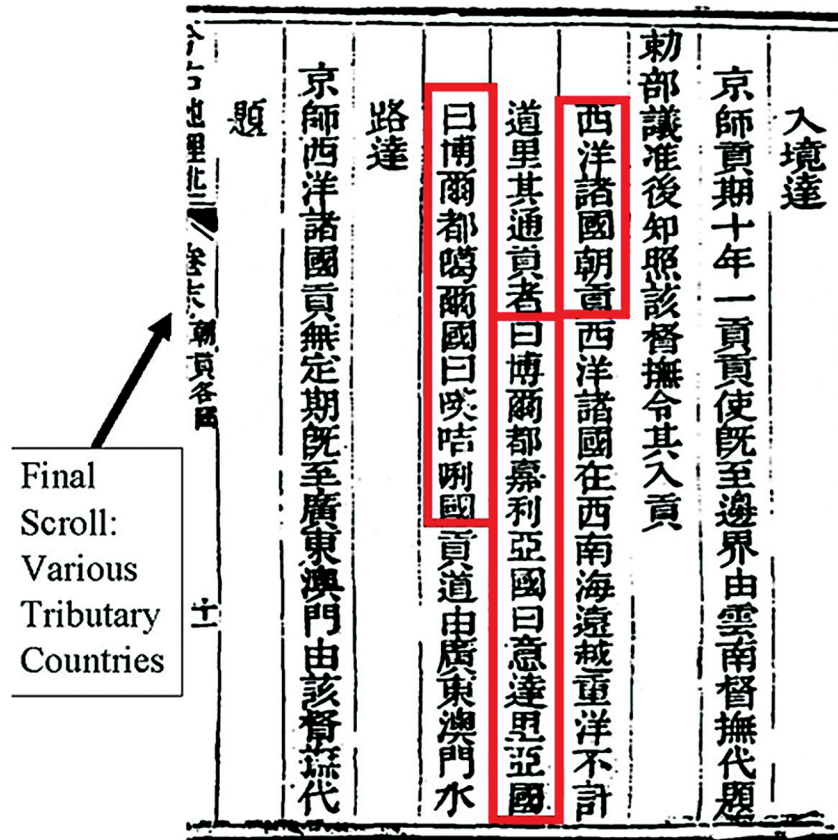


FIGURE 10. The 'Western Ocean Countries' in the Appended Scroll 卷末 from 'Contemporary and Historical Geography 今古地理述'.



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Witness Biographies

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